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SEVEN PRC LAWS ADOPTED AT FIFTH NPC SECOND SESSION

PART I



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ORGANIC LAW FOR LOCAL CONGRESSES, GOVERNMENTS

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[Text of Organic Law of the Local People's Congresses and Local People's Governments of the People's Republic of China adopted on 1 July at the second session of the Fifth National People's Congress]

[Text] Beijing, 4 July--Chapter I

General Principles

Article 1

People's congresses and people's governments are to be established in provinces, autonomous regions, municipalities directly under the central government, autonomous prefectures, counties, autonomous counties, cities, municipal districts and towns.

People's congresses and administrative committees are to be established in people's communes.

Article 2

The people's congresses at and above the county level are to set up standing committees.

Chapter II

Local People's Congresses at Various Levels

Article 3

The local people's congresses at various levels are local organs of state power.

Article 4

Deputies to the people's congresses of provinces, autonomous regions, municipalities directly under the central government, autonomous prefectures and cities divided into districts are elected by people's congresses at the next lower level. The deputies to the people's congresses of counties, autonomous counties, cities not divided into districts, municipal districts, people's communes and towns are directly elected by the voters.

The number of deputies to the local people's congresses at various levels and their method of election are specified in the electoral law. There should be an appropriate number of deputies representing the people of national minorities in various administrative districts.

Article 5

The people's congresses of provinces, autonomous regions and municipalities directly under the central government are elected for a term of 5 years; the people's congresses of autonomous prefectures, counties, autonomous counties, cities and municipal districts are elected for a term of 3 years; and the people's congresses of people's communes and towns for a term of 2 years.

Article 6

In the light of the specific conditions and actual needs of their respective administrative areas and in conformity with the Constitution, laws, policies, decrees and orders of the state, the people's congresses of provinces, autonomous regions and municipalities directly under the central government may enact and promulgate local statutes, which shall be submitted for the record to the Standing Committee of the National People's Congress and the State Council.

Article 7

The functions and powers exercised by the local people's congresses at and above the county level in their own areas are as follows:

1. They are to enforce the constitution, laws, policies, decrees and orders of the state, to implement decisions by people's congresses at higher levels and to execute the state plans and budgets in their respective administrative areas.
2. They are to examine and approve the national economic plans, budgets and final accounts in their respective administrative areas.
3. They are to discuss and decide on major issues in the fields of politics, economy, culture, education, public health, civil affairs and nationalities in their respective administrative areas.
4. They are to elect the members of the standing committee of the people's congresses at corresponding levels.
5. They are to decide who are to be governors, deputy governors, autonomous region chairmen, autonomous region vice chairmen, mayors, deputy mayors, prefecture chairmen, prefecture vice chairmen, county heads, county deputy heads, district heads and deputy district heads.
6. The people's congresses of provinces, autonomous regions and municipalities directly under the administration of the central government elect the presidents of the people's courts and the presidents of the intermediate people's courts at corresponding levels. The people's congresses of autonomous prefectures, counties, autonomous counties, cities, and municipal districts elect the presidents of the people's courts at corresponding levels.
7. The people's congresses of provinces, autonomous regions and municipalities directly under the administration of the central government elect the chief procurators of the people's procuratorates and the chief procurators of the branches of the people's procuratorates at corresponding levels.

The people's congresses of autonomous prefectures, counties, autonomous counties, cities and municipal districts elect the chief procurators of the people's procuratorates at corresponding levels. The names of the chief procurators of the people's procuratorates elected should be reported to the chief procurators of the people's procuratorates at the next higher level for approval by the Standing Committee of the people's congress at that level.
8. They are to elect the deputies to the people's congresses at the next higher level.
9. They are to hear and examine reports on the work of the standing committees of the people's congresses at corresponding levels.

10. They are to hear and examine reports on the work of the people's governments courts and procuratorates at corresponding levels.
11. They are to revise or rescind inappropriate decisions and orders of people's governments at corresponding levels.
12. They are to revise and rescind inappropriate decisions of people's congresses at the lower level and inappropriate decisions and orders of people's governments at the lower level.
13. They are to protect property owned by the whole people under socialism, property collectively owned by the working people and the citizens' legitimate private property and to safeguard the citizen's personal and democratic rights and other rights.
14. They are to protect the proper power of decision of the basic accounting units of people's communes.
15. They are to protect the rights of national minority people.
16. They are to protect equal political rights, rights to work, rights to receive equal pay for equal work, and other rights between men and women.

Article 8

The functions and powers exercised by people's congresses in people's communes and towns include:

1. To enforce the Constitution, laws, policies, decrees and orders of the state, and to implement decisions by people's congresses at the next higher level in their respective administrative areas ;
2. To adopt and publicize resolutions within their own jurisdiction ;
3. To decide on construction plans in their respective administrative areas for economy, culture and public services on the basis of the state plan ;
4. To decide on plans for carrying out the work of civil affairs in their respective administrative areas ;
5. To elect the directors and deputy directors of people's communes and members of the communes' administrative committees and to chose the directors and deputy direction of towns ;
6. To hear and examine reports on the work of the administrative committees of people's communes and the people's governments towns ;
7. To revise and rescind inappropriate decisions and orders of the administrative committees of people's communes and the people's governments of towns ;
8. To protect property owned by the whole people under socialism, property collectively owned by the working people and the citizens' legitimate private property, and to safeguard the citizens' personal and democratic rights and other rights ;
9. To protect the proper power of decision of the basic accounting units of people's communes ;
10. To protect the rights of national minority people ;

11. To protect equal political rights, rights to work, rights to receive equal pay for equal work and other rights between men and women.

In exercising their functions and powers, the people's congresses in people's communes and towns inhabited by national minority people must adopt concrete measures which conform with national minority features.

Article 9

Local people's congresses at various levels shall have the right to dismiss the personnel of people's governments at the same level. Local people's congresses at and above the county level shall have the right to dismiss the personnel of standing committees of people's congresses at the same level and heads of people's courts and chief procurators of people's procuratorates elected by the standing committees. Dismissal of the chief procurator of a people's procuratorate must be submitted, through the chief procurator of a higher level people's procuratorate, to the Standing Committee of a people's congress of the same level.

Article 10

Meetings of local people's congresses at and above the county level will be convened by the standing committees of people's congresses at the same level.

Meeting of people's congresses of people's communes and townships will be convened by commune administrative committees and township people's governments.

Article 11

Meetings of local people's congresses at various levels shall be convened at least once a year.

Temporary meetings of people's congresses may be convened at the suggestion of one-fifth of the deputies to the congresses of the same level.

Article 12

When meetings of local people's congresses at various levels are to be convened, Presidiums shall be elected to preside over the meetings.

One secretary general and several deputy secretaries general shall be elected for meetings of local people's congresses at and above the county level. The choice of the secretary general shall be approved at a meeting of the people's congress while the choice of the deputy secretaries general shall be decided by the presidium.

Article 13

When local people's congresses at various levels hold meetings, they may establish credentials committees, motions committees and other necessary committees. These committees shall carry out their work under the leadership of presidiums.

Article 14

When local people's congresses at various levels hold meetings, the presidiums, standing committees and people's governments and deputies (provided more than five deputies second a motion) at the same level may put forward motions.

The motions put forward for the meetings of local people's congresses at various levels shall be submitted by the presidiums to the meetings for discussion, or they may be handed over to the motions committees which, after examining the motions, will submit them to the meetings for discussion.

Article 15

When local people's congresses at various levels hold elections and adopt resolutions, they must have over one-half of the votes of all the deputies.

Article 16

The candidates for provincial governors and deputy governors, autonomous regional chairmen and vice chairmen, mayors and deputy mayors, prefecture heads and deputy heads, county heads and deputy heads, district heads and deputy heads, township heads and deputy heads, the personnel forming commune administrative committees, the personnel forming the standing committees of local people's congresses at and above the county level, presidents of people's courts and chief procurators of people's procuratorates shall be recommended by the presidiums of people's congresses at the same level or recommended jointly by the presidiums of and deputies of the congresses. The number of candidates is generally greater than the number of people to be elected. If too many candidates have been recommended, a preliminary election may be held in order to determine the namelist of formal candidates in accordance with the opinion of the majority.

Secret balloting will be adopted as the means for holding these elections. Congress deputies may cast a vote for or against the candidates, and may elect any other voters or may abstain.

Article 17

When local people's congresses at various levels hold meetings, responsible personnel of all departments under the people's governments, the presidents of people's courts and the chief procurators of people's procuratorates at the same level may attend as non-voting delegates.

Article 18

When local people's congresses at various levels hold meetings, inquiries addressed by the deputies to the people's governments and all departments under them, the presidents of people's courts and the chief procurators of people's procuratorates at the same level shall be handed, through the presidiums, to the organizations to which the inquiries are addressed. These organizations must answer the inquiries at the meetings.

Article 19

Deputies to local people's congresses at and above the county level shall not be subject to arrest or trial without the approval of the standing committees of the people's congresses at the same level. If a deputy is detained as a criminal who has been caught in, before or immediately after the act, the organization that detains the deputy must immediately notify the Standing Committee of the people's congress at the same level for approval.

Article 20

When deputies to local people's congresses at various levels attend people's congress meetings and carry out their duties as deputies, the state shall provide them with round-trip travel expenses, the necessary material conveniences or allowances according to their needs.

Article 21

Deputies to the people's congresses at various levels should maintain close contacts with their own electoral units or the electors, publicize laws, decrees and policies, cooperate in work with the people's governments at corresponding levels, and reflect the opinions and demands of the masses to the people's congresses and their standing committees and the people's governments.

Deputies to the people's congresses of provinces, autonomous regions, municipalities directly under the central government, autonomous prefectures and cities divided into districts may attend meetings of the people's congresses of the units which elect them.

Deputies to the people's congresses of counties, autonomous prefectures, cities not divided into districts, municipal districts, people's communes and towns should divide the work of maintaining contacts with the electors; residential districts and production units with more than three deputies may organize groups of deputies to help the people's governments at corresponding levels carry out their work.

Article 22

Deputies to the people's congresses of provinces, autonomous regions, municipalities directly under the central government, autonomous prefectures and cities divided into districts are subject to supervision by their electoral units; deputies to the people's congresses of counties, autonomous counties, cities not divided into districts, municipal districts, people's communes and towns are subject to supervision by the electors.

The units which elect deputies to the local people's congresses at various levels and the electors have the right to replace at any time the deputies they elect. The replacement of deputies shall be made with the approval of more than 50 percent of the entire body of deputies from the electoral units, or with the approval of more than 50 percent of the electors from the electoral districts.

Article 23

When deputies to the local people's congresses at various levels are not able to assume their duties for various reasons, new elections shall be held by the original electoral units or by the voters of the original electoral districts.

Article 24

The self-government organs of autonomous regions, autonomous prefectures and autonomous counties exercise autonomy within the limits of their authority as prescribed by law, in addition to exercising the functions and powers as specified by this law.

Chapter III

The Standing Committees of the Local People's Congresses

At and Above the County Level

Article 25

Standing committees are to be established for the people's congresses of provinces, autonomous regions, municipalities directly under the central government, autonomous prefectures, counties, autonomous counties, cities and cities divided into districts.

The Standing Committees of the local people's congresses at and above the county level are permanent organs of the respective local people's congresses and are responsible and accountable to them.

Article 26

The Standing Committee of the local people's congresses at and above the county level consists of one chairman, several vice chairmen and several members to be elected from among the deputies by the respective local people's congresses.

The members of the standing committees may not serve concurrently as members of the people's governments, people's courts and people's procuratorates at corresponding levels.

The standing committees are composed of the following numbers of members:

1. 35 to 65 members for each province, autonomous region and municipality directly under the central government, and not to exceed 85 members in a province with an extremely large population;
2. 13 to 35 members for each autonomous prefecture and city, and not to exceed 45 members in a city with an extremely large population;
3. 11 to 19 members for each county, autonomous county and cities divided into districts, and not to exceed 29 members in a county and city divided into districts with extremely large population.

Article 27

When the respective people's congresses are not in session, the standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the central government may draw up and promulgate local statutes in accordance with the specific conditions and actual needs of their respective administrative areas, provided that these statutes do not contradict the Constitution, laws, policies, decrees or administrative orders of the state, and report to the NPC Standing Committee and the State Council for the record.

Article 28

The Standing Committees of the local people's congresses at and above the county level exercise the following functions and powers:

1. To exercise leadership over and sponsor elections of deputies to the respective people's congress;
2. To call sessions of the respective people's congresses;
3. To discuss and make decisions on the important tasks in political, economic, cultural, educational, health, civil affairs and nationality work of the respective administrative areas;
4. To make decisions on partial revision of the national economic plans and budget in the respective administrative areas in accordance with the proposals of the people's governments at corresponding levels;
5. To supervise the work of the respective people's governments, people's courts and people's procuratorates, maintain contacts with deputies of the respective people's congresses, and to accept and hear the appeals and opinions from the masses of people on the organs mentioned above;
6. To revise or abolish the improper decisions made by the people's congresses at the next lower level;

7. To make decisions on appointments and dismissals of deputy governors, vice chairmen of autonomous regions, deputy mayors, deputy heads of autonomous prefectures, deputy heads of counties and deputy heads of districts when the respective people's congresses are not in session; to make decisions on electing acting governors, chairmen of autonomous regions, mayors, and heads of autonomous prefectures, counties and districts when they are not able to perform their duties for various reasons;

8. To make decisions on appointments and dismissals of secretary generals, department heads, bureau chiefs, directors and section chiefs of the respective peoples' governments and to submit them to the State Council or the people's governments at the next higher level for approval;

9. To appoint and dismiss vice presidents, chief justices, deputy chief justices, members of judicial committees and judges of the people's courts in accordance with the provisions of the organic law of the people's courts and the organic law of the people's procuratorates, and to appoint and dismiss as well as approve the appointments and dismissals of deputy procurators, members of the procurator committees and procurator personnel of the people's procuratorates;

10. To elect additional deputies to fill vacancies of the people's congresses at the next higher level and replace individual deputies when the respective people's congresses are not in session;

11. To make decisions on conferring honorable titles on various localities.

Article 29

The standing committees will hold at least one session every 2 months, which is to be convened by the chairmen.

All resolutions of the standing committees are to be approved by more than 50 percent of the members of the standing committees.

Article 30

Work organs are to be established by the standing committees in accordance with their work needs.

Chapter IV

The Local People's Governments at Various Levels

Article 31

The people's governments at various levels are the executive organs of the local people's congresses at various levels and also the local organs of state administration at various levels.

Article 32

The local people's governments at various levels are responsible and accountable to the respective people's congresses at the next higher level. The people's government at and above the county level are responsible and accountable to the standing committees of the people's congresses at corresponding levels when the respective people's congresses are not in session.

All local people's governments at various levels throughout the country are state administrative organs under the unified leadership of the State Council and subordinate to it.

Article 33

The people's governments of provinces, autonomous regions and municipalities directly under the central government are composed of governors and deputy governors of provinces, chairmen and vice chairmen of autonomous regions, mayors and deputy mayors of municipalities, and secretary generals, department heads, bureau chiefs and committee chairmen.

The people's governments of autonomous prefectures, counties, autonomous counties, cities and cities divided into districts are composed of heads and deputy heads of autonomous prefectures, heads and deputy heads of counties, mayors and deputy mayors of cities, heads and deputy heads of districts and bureau chiefs and section chiefs.

The people's governments of towns are to establish town heads and deputy town heads. The administrative committees of people's communes are composed of chairmen, vice chairman and several committee members.

Article 34

The people's governments of provinces, autonomous regions and municipalities directly under the central government are appointed for a term of 5 years. The people's governments of autonomous prefectures, counties, autonomous counties, municipalities and districts directly under the municipality government are appointed for a term of 3 years. The administrative committee of people's communes and the people's governments of towns are appointed for a term of 2 years.

Article 35

Local people's governments at the county level and upwards exercise the following functions and powers:

1. To carry out the decisions of people's congress at the corresponding levels and of their standing committees as well as the decisions and orders of the organs of state administration at higher levels, formulate administrative measures and issue decisions and orders;
2. To exercise leadership over the work of all departments under them and over the work of people's governments at lower levels;
3. To change or rescind the inappropriate orders and directives of departments under them and the inappropriate decisions and orders of people's governments at lower levels;
4. To appoint, remove, reward and punish personnel of state organs according to the provisions of the law;
5. To implement economic plans and budgets and direct economic and cultural construction, civil administration, public security and other work in their respective administrative areas;
6. To protect the property under socialist ownership by the whole people, the property under collective ownership by working people and the legitimate property under private ownership by citizens, maintain public order and safeguard the personal, democratic and other rights of citizens;
7. To safeguard the proper decisionmaking rights of the basic accounting units of people's communes;

8. To safeguard the rights of minority nationalities and respect their customs and habits, provincial people's governments shall assist areas inhabited by minority nationalities in their respective provinces in effecting regional autonomy and help minority nationalities with political, economic and cultural development;
9. To safeguard that women enjoy equally with men political rights, the right to work and receive equal pay for equal work and other rights
10. To handle other matters as instructed by organs of state administration at higher levels.

Article 36

The administrative committees of people's communes and the people's governments of towns exercise the following functions and powers:

1. To carry out the decisions of people's congresses at the corresponding levels and the decisions and orders of the organs of state administration at higher levels and issue decisions and orders;
2. To exercise leadership over the election of deputies to people's congresses at the corresponding levels;
3. To convene the sessions of people's congresses at the corresponding levels;
4. To direct economic and cultural construction, civil administration, public security and other work in their respective administrative areas;
5. To protect the property under socialist ownership by the whole people, the property under collective ownership by working people and the legitimate property under private ownership by citizens; maintain public order; and safeguard the personal, democratic and other rights of citizens;
6. To safeguard the proper decisionmaking rights of the basic accounting units of people's communes;
7. To safeguard the rights of minority nationalities and respect their customs and habits;
8. To safeguard that women enjoy equally with men political rights, the right to work and receive equal pay for equal work and other rights;
9. To handle other matters as instructed by organs of state administration at higher levels.

Article 37

The governors of provinces, the chairmen of autonomous regions, the mayors of municipalities and the heads of prefectures, counties, districts and towns are respectively in charge of the work of local people's governments at various levels. The directors of people's communes are in charge of the work of the administrative committees of people's communes.

Article 38

Local people's governments at various levels shall establish necessary working departments under them in accordance with the needs of their work and the principle of efficiency.

The establishment, increase, reduction or merger of departments, bureaus, commissions and other working branches under the people's governments of provinces, autonomous regions and municipalities directly under the central government shall be reported by respective people's governments to the State Council for approval.

The establishment, increase, reduction or merger of bureaus, sections and other working branches under the people's governments of autonomous prefectures, counties, autonomous counties, municipalities and district directly under the municipal authority shall be reported by respective people's governments to the next higher people's governments for approval.

Article 39

Departments, bureaus, commissions and sections shall respectively install department directors, bureau directors, commission chairmen and section chiefs and install deputy directors, chairmen and chiefs when necessary.

Offices and general offices shall install directors and install deputy directors when necessary.

The people's governments of provinces, autonomous regions, municipalities directly under the central government, autonomous prefectures and municipalities divided into districts shall install a secretary general and several deputy secretaries general each.

Article 40

The various working departments of the people's governments of provinces, autonomous regions and municipalities directly under the central government shall be under the leadership of respective people's governments and under the leadership or work guidance of the State Council's departments responsible for the work.

The various working departments of the people's governments of autonomous prefectures, counties, autonomous counties, municipalities and districts directly under the municipal authority shall be under the unified leadership of respective people's governments and under the leadership or work guidance of the next higher people's governments' departments responsible for the work.

Article 41

The people's governments of provinces, autonomous regions, municipalities directly under the central government, autonomous prefectures, counties, autonomous counties, municipalities and districts directly under the municipal authority should assist state organs, enterprises and undertakings that are located in their respective administrative areas but are not under their jurisdiction in carrying out their work, and supervise them in abiding by the laws, decrees, orders and policies.

Article 42

The people's governments of provinces and autonomous regions may establish administrative offices as their agencies when necessary.

The people's governments of counties and autonomous counties, when necessary, may establish district offices as their agencies with the approval of the people's governments of provinces, autonomous regions or municipalities directly under the central government.

The people's governments of districts directly under the municipal authority and municipalities not divided into districts may establish neighborhood offices as their agencies with the approval of the next higher people's government.

ELECTORAL LAW FOR NPC, PEOPLE'S CONGRESSES

OW062150 Beijing XINHUA Domestic Service in Chinese 0814 GMT 4 Jul 79 OW

["Electoral Law of the PRC for the NPC and Local People's Congresses of All Levels"--approved at the second session of the Fifth NPC on 1 July 1979]

[Text]--Chapter I General Provisions

Article 1

The electoral law for the NPC and local people's congresses at all levels is formulated in accordance with the PRC Constitution.

Article 2

Deputies to the NPC and to the people's congress of a province, autonomous region municipality directly under the central government, municipality divided into districts and autonomous prefecture shall be elected by the people's congress of a lower level.

Deputies to the people's congress of a municipality not divided into districts, districts under the jurisdiction of a municipality, county, autonomous county, people's commune and town shall be elected directly by the voters.

Article 3

All citizens of the PRC who have reached the age of 18 shall have the right to elect and to be elected irrespective of nationality, race, sex, occupation, social origin, religion, education, property status or length of residence.

Persons who have been deprived of political rights according to law shall not have the right to elect or to be elected.

Article 4

Each voter shall have only one vote.

Article 5

The PLA shall conduct separate elections, and regulations governing such elections shall be made separately.

Article 6

Regulations governing the election of Overseas Chinese deputies shall be made separately.

Article 7

The NPC Standing Committee shall preside over the election of deputies to the NPC. The Standing Committee of a province, an autonomous region, a municipality directly under the central government, a municipality divided into districts and an autonomous prefecture shall preside over the election of deputies to the people's congress at its own level. Prior to the inauguration of the Standing Committee of a local people's congress, the election of deputies shall be presided over by a local administrative organ.

An election committee shall be established in a municipality not divided into districts, in a district under the jurisdiction of a municipality, in a county, autonomous county, people's commune and town to preside over the election of deputies to the people's congress at its own level. The election committee of a municipality not divided into districts, of a district under the jurisdiction of a municipality, county and autonomous county shall be under the leadership of the Standing Committee of the people's congress at its own level. The election committee of a people's commune and town shall be under the leadership of the people's commune administrative committee and the town people's government.

Article 8

Election expenses for the NPC and the local people's congresses at all levels shall be disbursed by the national treasury.

Chapter II

Number of Deputies

To Local People's Congress at All Levels

Article 9

The number of deputies to the local people's congresses at all levels shall be decided by the standing committees of the people's congresses of various provinces, autonomous regions and municipalities directly under the central government themselves in accordance with the principle of providing convenience for convening meetings and discussing and solving problems and insuring that various nationalities, areas and circles shall have an adequate number of deputies; the number of deputies so decided shall be reported to the NPC Standing Committee for the record.

Article 10

The number of deputies to the people's congress of an autonomous prefecture, a county and an autonomous county shall be distributed by the Standing Committee of the people's congress at its own level in accordance with the principle that the number of people represented by one deputy in a rural area is equal to four times the number of people represented by one deputy in a town. A people's commune or town with an exceptionally small population should also be represented.

Article 11

The number of people represented by each deputy in a rural area of a municipality directly under the central government, a municipality and a district under the jurisdiction of a municipality should be greater than the number of people represented by each deputy from an urban area.

Article 12

The number of deputies to the people's congress of a province and autonomous region shall be distributed by the Standing Committee of the people's congress at its own level in accordance with the principle that the number of people represented by each deputy of a rural area is five times the number of people represented by each deputy in a city.

Chapter III Number of Deputies to the NPC**Article 13**

Deputies to the NPC shall be elected by the people's congresses of provinces, autonomous regions and municipalities directly under the central government and by the PLA.

The number of deputies to the NPC shall not exceed 3,500 persons. The distribution of the number of deputies shall be decided by the NPC Standing Committee in accordance with existing conditions.

Article 14

The number of deputies to the NPC to be elected by a province, autonomous region and municipality directly under the central government shall be distributed by the NPC Standing Committee in accordance with the principle that the number of people represented by each deputy in a rural area is equal to eight times the number of people represented by each deputy in a city.

Article 15

Deputies to the NPC from the national minorities shall be elected by the people's congresses of various provinces, autonomous regions and municipalities directly under the central government according to numbers assigned by the NPC Standing Committee based on the population and distribution of the national minorities. A national minority with an exceptionally small population shall have at least one deputy.

Chapter IV Elections Among National Minorities**Article 16**

In areas where national minorities live in compact communities, every national minority shall each have its own deputy to the local people's congress.

Where the population of a national minority exceeds 10 percent of the total population of all national minorities living in the area, the number of people represented by each of its deputies shall be equivalent to the number of people represented by each deputy to the local people's congress.

Where the population of a national minority is less than 10 percent of the total population of all national minorities living in the area, the number of people represented by each of its deputies may be less than the number represented by each deputy to the local people's congress, but it shall be not less than one-half. A national minority with an exceptionally small population should also have one deputy.

Article 17

The stipulations under Article 16 of this law are applicable to the election of deputies of other national minorities and the Han nationality to the people's congress of an autonomous region, autonomous prefecture, autonomous county and people's commune and town where national minorities live in compact communities.

Article 18

The number of people represented by each deputy of a national minority living in scattered groups to the local people's congress may be less than the number of people represented by each deputy to the local people's congress.

The preceeding stipulations are applicable to the election of deputies of national minorities and Han nationality living in scattered groups in areas where other national minorities live in compact communities to the people's congress of an autonomous region, autonomous prefecture, autonomous county and people's commune and town.

Article 19

In cities, municipal districts, counties, people's communes and towns where minority nationalities live in compact communities, the election of deputies to their people's congresses shall be voted on either individually or collectively by the minority electorates according to the relations between the minority nationalities and their living conditions in the localities.

The preceding stipulation applies to the people's congresses in autonomous regions, autonomous prefectures, autonomous counties and in people's communes and towns where minority nationalities reside in compact communities for the election of deputies from among the local people of other minority and Han nationalities.

Article 20

In formulating or promulgating electoral documents, namelists of voters, voters' certificates, namelists of candidates for deputies, deputies' election certificates and seals of election committees, autonomous regions, autonomous prefectures and autonomous counties shall simultaneously use the nationality languages popular in the localities.

Article 21

The stipulations under the relevant articles of this law shall be referred to when considering all other matters concerning elections by the minority nationalities.

Chapter V Zoning of Electoral Districts

Article 22

The number of deputies to the people's congresses in cities not divided into districts, municipal districts, counties, autonomous counties, people's communes and towns shall be distributed to the electoral districts where the election shall be held. The zoning of electoral districts shall be decided on the basis of production units, business units, work units and living conditions.

Chapter VI Registration of Voters

Article 23

The registration of voters shall be conducted on the basis of electoral districts.

People suffering from mental diseases and incapable of exercising the right to vote and the right to be elected shall be excluded from the namelists of voters.

Article 24

Namelists of voters shall be made public and certificates of voters issued 30 days prior to the date of election.

Article 25

Anyone who has different opinions on a voters' namelist may file a petition with the election committee. An election committee shall decide on handling a petition within 3 days. A petitioner may appeal to the people's court if he objects to the decision on the handling of his petition. The judgment of the people's court shall be final.

Chapter VII Nomination of Candidates for Deputies

Article 26

Candidates for the deputies to the people's congresses at the national level and various local levels shall be nominated on the basis of electoral districts or electoral units.

The CCP, various democratic parties and various mass organizations may either jointly or individually recommend their candidates for deputies. Any voter or deputy may, with three or more people supporting his proposal, also recommend a candidate. When recommending a candidate, the background of the candidate shall be introduced to the election committee.

Article 27

The number of candidates for deputies to the people's congresses at the national level and various local levels shall be larger than the number of deputies to be elected.

The number of candidates for deputies to be directly elected by the voters shall be from one-half to one times more than the number of the deputies to be elected; the number of candidates for deputies to be elected by the people's congresses at various local levels to the people's congresses one level higher shall be from one-fifth to one-half times more than the number of deputies to be elected.

Article 28

Candidates for deputies to the people's congresses to be directly elected by the voters shall be nominated by the electorates in the various electoral districts and by the various units. The namelists of candidates nominated as deputies by the various quarters and the background data of these candidates shall be collected by the election committee and made public 20 days prior to the date of election for repeated discussions and democratic consultations by the voter groups of the respective electoral districts. Where the number of candidates nominated is too large, a preliminary election may be held to decide on a formal namelist of candidates in accordance with the opinion of the majority of the voters. Such namelists shall be made public 5 days prior to the date of election.

When deputies to the people's congresses at one level higher are elected by the respective people's congresses at and above the county level, the namelists of candidates nominated by the respective people's congresses' deputies and by the CCP, the various democratic parties and various mass organizations shall be collected by the presidiums of the people's congresses at the respective levels and the presidiums shall organize the entire body of their deputies to hold repeated discussions and democratic consultations on the namelists. Where the number of candidates nominated is too large, preliminary election may be held to decide on a formal namelist of candidates in accordance with the opinion of the majority of deputies.

Article 29

When the local people's congresses at and above the county level elect the people's congresses at one level higher, the candidates nominated as deputies shall not be confined to the deputies of the respective people's congresses themselves.

Article 30

All parties, organizations and voters may publicize their candidates for deputies with various forms of propaganda. However, propaganda in behalf of the candidates shall be halted on the date of election.

Chapter VIII Election Procedures

Article 31

When a direct election of people's congress deputies by voters is held, the various electoral districts shall set up ballot centers or call election meetings. The ballot centers or election meetings shall be presided over by the election committees.

Article 32

Elections of the people's congresses at one level higher by the local people's congresses at and above the county level shall be held under the auspices of the presidiums of the respective people's congresses.

Article 33

The method of secret ballot shall be adopted to elect deputies to the national and various local people's congresses.

A voter who is illiterate or disabled and cannot write on his ballot may entrust a person he trusts with the writing.

Article 34

A voter may cast a ballot of approval or objection for a candidate for deputy, may vote for any other voter and may also abstain from voting.

Article 35

A voter who is in another locality during the time of an election may entrust another voter by written authorization with the balloting but not without prior approval of the election committee.

Article 36

When the balloting is concluded, the ballot supervisors elected by the voters, ballot-counting personnel and the election committee personnel shall check the number of people casting the ballots against the number of ballots cast and make a record of them which shall be signed by the ballot supervisors.

Article 37

Ballots shall be declared null and void in an election when their number is larger than the number of people casting ballots, and deemed valid when their number is smaller than the number of people casting ballots.

A ballot shall be nullified when it bears more names than the number of deputies to be elected and deemed valid when the names are fewer than the number of the deputies to be elected.

Article 38

Candidates for deputies to the people's congresses at various levels are considered elected only when they obtain more than half of all votes of the electoral districts or more than half of the votes of the representatives of the electoral units.

When the number of deputy candidates who have obtained more than half of the ballots cast exceeds the number of deputies to be elected, those who have obtained the most votes are considered elected. When the ballots obtained are equal in number and it is impossible to determine who is elected, another election shall be conducted on the candidates who have obtained an equal number of ballots.

When the number of deputy candidates who have obtained more than half of the ballots falls below the number of deputies to be elected, another election shall be held for the balance of the deputies to be elected.

Article 39

The election committee or the Presidium of the people's congress shall determine the validity or invalidity of the result of an election in accordance with the stipulations in this law and announce it accordingly.

Chapter IX Supervision Over the Deputies And Their Recalls and Byelections

Article 40

All deputies to the national and various local people's congresses shall be subjected to supervision by the voters and the respective electoral units from their electoral district. The voters and the electoral units shall have the right to recall the deputies elected by them.

The recall of a deputy directly elected by the voters shall be approved by more than half of the voters in the electoral district from which he was elected; the recall of deputies elected by the people's congresses at various levels shall be approved by more than half of the deputies of the respective people's congresses, or approved by more than half of the members of their standing committees when they are not in session. The deputies recalled may attend the above-mentioned meetings to make appeals or submit written appeals. The resolution reached on a recall shall be reported to the Standing Committee of the people's congresses at one level higher for the record.

Article 41

Any citizen or unit may demand the recall of a deputy who violates law and discipline or is found to be seriously derelict in his duty.

The demand for the recall of a deputy by a citizen or a unit may be submitted to the standing committees of the people's congresses at various levels. The organ that accepts and hears the case must organize a timely investigation and also hear the appeal by the accused deputy.

When charges against a deputy are verified through investigation, his case shall be turned over for recall to the electoral district or electoral unit that elected him.

Article 42

When a deputy's position becomes vacant for cause during his tenure in office, a byelection shall be held by the electoral district or electoral unit that elected him.

When the local people's congresses at and above county level are not in session, byelections of deputies to the people's congresses at one level higher may be held by the standing committees of the people's congresses at the same levels.

Chapter X: Sanctions for Disruption of Elections

Article 43

In order to safeguard the voters' freedom to exercise their electoral rights, administrative or criminal sanctions shall be taken against a person committing the following legal violations:

1. Those who resort to violence, intimidation, deception, bribery and other illegal means to disrupt an election or prevent a voter from exercising his right to vote and right to be elected;
2. Those who fabricate electoral documents, make false reports on the number of ballots or commit other violations of law;
3. Those who suppress, take reprisal against those who file charges and reports on legal violations or against those who demand the recall of a deputy.

Chapter XI: Appendix

Article 44

The standing committees of the people's congresses of the provinces, autonomous regions and municipalities directly under the central government may formulate detailed rules and regulations on elections for implementation in accordance with this law and report the rules and regulations to the Standing Committee of the National People's Congress for the record.

ORGANIC LAW FOR PEOPLE'S COURTS

OW070419 Beijing XINHUA Domestic Service in Chinese 0254 GMT 5 Jul 79 OW

[The Organic Law of People's Courts of the People's Republic of China, adopted at the second session of the Fifth National People's Congress on 1 July 1979]

[Text] Beijing, 5 July 1979--Chapter I: General Principles

Article 1

The people's courts of the People's Republic of China are judicial organs of the state.

Article 2

The judicial authority of the People's Republic of China is exercised by the following people's courts:

1. Local people's courts at various levels;
2. Special people's courts;
3. The Supreme People's Court.

The local people's courts at various levels are divided into: basic-level people's courts, intermediate people's courts and higher people's courts.

The special courts include: military courts, railway transport courts, water transport courts, forestry courts and other special courts.

Article 3

The functions of people's courts are to try both criminal and civil cases and, through various judicial activities, punish all criminals and solve civil disputes so as to safeguard proletarian dictatorship, the socialist legal system and social order, socialist property owned by the whole people and collective property owned by the working people and the citizens' legitimate private property, to protect citizens' personal and democratic rights and other rights and to guarantee the smooth progress of the socialist revolution and socialist construction.

The people's courts devote all their activities to educating the citizens in loyalty to their socialist motherland and voluntary observance of the Constitution and the law.

Article 4

The people's courts exercise their judicial authority independently and are only subordinated to the law.

Article 5

In exercising their judicial authority, the people's courts treat all citizens equally according to the law, irrespective of nationality, race, sex, profession, social background, religion, education, financial status and length of residence, and without allowing any special privileges.

Article 6

Citizens of all nationalities have the right to use their own spoken and written languages in court proceedings. The people's courts should provide interpreter services to the parties concerned who do not understand the local spoken and written languages. In places where people of a national minority reside or people of many nationalities live together, the people's courts should issue written judgments, public announcements and other documents in local written languages.

Article 7

All cases in the people's courts are to be heard in public except those involving state secrets, personal shameful secrets and juvenile delinquencies.

Article 8

The accused has the right to defense. Besides defending himself, the accused has the right to delegate a lawyer to defend him. He can also be defended by a citizen, recommended by a people's organization or the unit where the accused works, with the approval of the people's court. He can also be defended by a close relative or guardian. If necessary, the people's court can appoint a defender for the accused.

Article 9

In handling initial trials, the people's courts apply the system whereby representatives of the masses participate as assessors in administering justice, except in simple civil cases or minor criminal cases or cases otherwise specified by law.

Article 10

In administering justice, the people's courts adopt the collegiate system. In handling the initial trials, the people's courts form a collegiate bench of judges and assessors who are representatives of the masses, except in simple civil cases, minor criminal cases and cases otherwise specified by law.

In handling appeals and procurators' complaints, the people's courts form a collegiate bench of judges. The collegiate bench should be headed by a judge appointed by the court president or the presiding judge. When the court president or the presiding judge participates in administering justice, he himself should preside on the bench.

Article 11

People's courts are to set up judicial committees which practice democratic centralism.

The functions of the judicial committees are to sum up judicial experience, discuss major or difficult cases and other issues regarding judicial work.

Names of members of the judicial committees of the local people's courts at various levels should be referred to the standing committees of the people's congresses at corresponding levels by the court presidents for appointment or dismissal. The names of members of the judicial committee of the Supreme People's Court should be submitted to the National People's Congress by the president of the Supreme People's Court for appointment and dismissal.

The presidents of the people's courts preside over the meetings of the judicial committees of the people's courts. The chief procurators of the people's procuratorates at corresponding levels can attend such meetings.

Article 12

In administering justice, the people's courts adopt the system of rendering final judgment after two trials. After receiving the decisions and rulings of the local people's courts at various levels in the first trial, the parties concerned can lodge appeals to the people's courts at the next higher level according to the procedure prescribed by law, and the people's procuratorates can also appeal to the people's courts at the next higher level according to the procedure prescribed by law. After the people's courts render their decisions and rulings in the initial trials, these will be legally binding if no appeal is made by the parties concerned or no complaint is made by the procuratorates within the prescribed period for appeal. The decisions and rulings made at the second trial by the intermediate courts, the higher people's courts and the Supreme People's Court, as well as the decisions and rulings rendered at the first trial by the Supreme People's Court, are final decisions and rulings. They are legally binding.

Article 13

Cases involving the death penalty are to be handed down or approved by the Supreme People's Court. The procedure for reviewing cases involving the death penalty should be followed as prescribed in Section III, Chapter 4 of the criminal procedure law of the People's Republic of China.

Article 14

Presidents of the people's courts at various levels must refer to the judicial committees for action decisions and rulings rendered by the people's courts if real errors are found to have occurred in verifying the facts or applying the specific laws.

In case any mistakes have been discovered by the Supreme People's Court in a validated decision or ruling by the people's courts at various levels, and in case any mistakes have been discovered by a higher-level people's court in a validated decision or ruling by a lower-level people's court, the supreme and higher-level people's courts have the right to require the people's courts at various levels and the lower-level people's courts to forward the case to them for review or to order the lower-level people's court to retry the case.

In case any mistakes have been discovered by the Supreme People's Procuratorate in validated decisions or rulings made by the people's courts at various levels, and in case any mistakes have been discovered by a higher-level people's procuratorate in a validated decision or ruling made by a lower-level people's court, the Supreme People's Procuratorate and the higher-level people's procuratorate have the right to file a complaint in accordance with the procedure for judicial supervision.

The people's courts at all levels are responsible for seriously handling the appeal filed by the party concerned against a validated decision and ruling.

Article 15

If a people's court deems that the main facts concerning a case presented by a people's procuratorate remain unclear or the evidence is insufficient or there is violation of the law in the prosecution, the court may return the case to the procuratorate for a supplementary investigation or notify the procuratorate to institute rectification.

Article 16

In case the party concerned considers a judge to be directly or otherwise personally interested in the case and unable to impartially hear the case, the party concerned has the right to request that the judge be excused. The president of the court concerned shall decide whether to excuse the judge.

Should a judge consider himself directly or otherwise interested in a case and should be excused, he should report this to the president of the court concerned for decision.

Article 17

The Supreme People's Court is responsible and accountable to the National People's Congress and the Standing Committee of the National People's Congress. The local people's court at various levels are responsible and accountable to the people's congresses at the corresponding level and their standing committees.

Judicial work of lower-level people's courts are subject to supervision from higher-level people's courts.

The judicial administration of the people's courts at various levels is to be administered by the judicial administrative organs.

Chapter II

Organization, Functions and Powers of a People's Court

Article 18

Basic-level people's courts shall include:

1. People's courts of counties and cities;
2. People's courts of autonomous counties;
3. People's courts of cities divided into districts.

Article 19

A basic-level people's court shall consist of a president, a vice president and several judges.

A basic-level people's court may set up a criminal court and a civil court, with each to have a presiding judge and a deputy presiding judge.

Article 20

A basic-level people's court may set up a number of courts based on the size and population of the area concerned and the peculiarities of various cases. These courts are a component of the people's court and its judgments and rulings are as valid as those rendered by a basic-level people's court.

Article 21

Except for cases otherwise provided by law or decree, a basic-level people's court shall conduct the initial trial of criminal and civil cases.

When a basic-level people's court deems that a criminal or civil case it is handling is important and should be handled by a higher people's court, it may request referral of the case to a higher people's court.

Article 22

Besides trying cases, a basic-level people's court will also handle the following tasks:

1. Civil disputes and minor criminal cases that do not require open trial;
2. Render guidance to people's mediation committees and judicial assistants of people's communes;
3. Administer justice within the limit of functions and powers authorized by higher judicial organs.

Article 23

Intermediate people's courts shall include:

1. Intermediate people's courts set up according to districts in a province or autonomous region;
2. Intermediate people's courts in municipalities directly under the central government;
3. Intermediate people's courts of municipalities under the jurisdiction of a province or autonomous region;
4. Intermediate people's courts of autonomous prefectures.

Article 24

An intermediate people's court shall consist of a president, a vice president, a presiding judge, a deputy presiding judge and several judges.

An intermediate people's court shall set up a criminal court and a civil court and may also set up other courts as needed.

Intermediate people's courts of municipalities directly under the central government and such courts of provinces and autonomous regions shall establish economic courts.

Article 25

An intermediate people's court shall handle:

1. Initial trial of cases which come under its jurisdiction as prescribed by laws and decrees;
2. Initial trial of cases referred to it by basic-level people's courts;
3. Appeals by defendants and procurators filed against decisions and rulings rendered by basic-level people's courts;
4. Appeals filed by the people's procuratorates in accordance with judicial supervision procedures.

When an intermediate people's court deems that a criminal or civil case it handles is important and should be handled by a higher people's court, it may request referral of the case to a higher people's court.

Article 26

Higher people's courts shall include:

1. Higher people's courts of provinces;
2. Higher people's courts of autonomous regions;
3. Higher people's courts of municipalities directly under the central government.

Article 27

A higher people's court shall consist of a president, a vice president, a presiding judge, a deputy presiding judge and several judges.

A higher people's court shall set up a criminal court, a civil court and an economic court, and may also set up other courts as needed.

Article 28

A higher people's court shall handle:

1. Initial trial of cases which come under its jurisdiction as prescribed by laws and decrees;
2. Initial trial of cases referred to it by lower people's courts;
3. Appeals by defendants and procurators against decisions and rulings rendered by lower people's courts;
4. Appeals filed by people's procuratorates in accordance with the judicial supervision procedures.

Article 29

The organization, functions and powers of special people's courts shall be stipulated separately by the Standing Committee of the National People's Congress.

Article 30

The Supreme People's Court is the highest judicial organ of the state.

The Supreme People's Court supervises the administration of justice by local people's courts at various levels and by special people's courts.

Article 31

The Supreme People's Court shall consist of a president, a vice president, a presiding judge, a deputy presiding judge and several judges.

The Supreme People's Court shall establish a criminal court, a civil court and an economic court, and may also set up other courts as needed.

Article 32

The Supreme People's Court shall handle:

1. Cases which initially come under its jurisdiction as prescribed by laws and decrees and cases which it considers should be handled by itself;
2. Appeals by defendants and procurators filed against decisions and rulings rendered by higher people's courts and special people's courts;
3. Appeals filed by the Supreme People's Procuratorate in accordance with judicial supervision procedures.

Article 33

The Supreme People's Court gives explanations on questions concerning specific application of laws and decrees in judicial procedure.

Chapter III: Judges and Other Personnel of People's Courts

Article 34

With the exception of persons deprived of political rights, all citizens who have reached the age of 23 and have the right to vote and to stand for election can be elected president of a people's court or appointed as vice president, presiding judge, deputy presiding judge, judge and assistant judge.

Article 35

The presidents of local people's courts at various levels shall be elected by local people's congresses at the corresponding levels, and their vice presidents' presiding judges, deputy presiding judges and judges shall be appointed or removed by the standing committees of local people's congresses at the corresponding levels.

The presidents of intermediate people's courts established in the districts of provinces and in municipalities directly under the central government shall be elected by the people's congresses of provinces and municipalities directly under the central government, and their vice presidents, presiding judges, deputy presiding judges and judges shall be appointed or removed by the standing committees of the people's congresses of provinces and municipalities directly under the central government.

The presidents of local people's courts at various levels established in national autonomous areas shall be elected by local people's congresses at the corresponding levels in the areas, and their vice presidents, presiding judges, deputy presiding judges and judges shall be appointed or removed by the standing committees of local people's congresses at the corresponding levels in the areas.

The president of the Supreme People's Court shall be elected by the National People's Congress, and its vice presidents, presiding judges, deputy presiding judges and judges shall be appointed or removed by the NPC Standing Committee.

Article 36

The term of office for the presidents of people's courts at various levels shall be the same as that for people's congresses at the corresponding levels.

People's congresses at various levels have the power to recall the presidents of people's courts elected by them. If the Standing Committee of a people's congress deems it necessary to dismiss and replace the president of a people's court at the corresponding level when the congress is not in session, it should report this action to the next higher people's court for approval by the Standing Committee of the next higher people's congress.

Article 37

Local people's courts at various levels may be staffed with assistant judges according to the needs of their work, who shall be appointed or removed by judicial administration departments.

Assistant judges shall help judges in their work. At the proposal of a court president and with the approval of its judicial committee, an assistant judge may act as a temporary judge.

Article 38

With the exception of persons deprived of their political rights, citizens who have reached the age of 23 and have the right to vote and to stand for election may be elected people's assessors.

People's assessors are members of a trial court and enjoy equal rights with its judges when the former perform their duties in a people's court.

Article 39

People's assessors shall receive wages from their original units when they serve in court, and those who have no regular income shall be given proper allowances.

Article 40

People's courts at various levels shall be staffed with clerks who shall keep the minutes of trials and handle other matters concerning trials.

Article 41

Local people's courts at various levels shall install marshals who will be responsible for executing civil case decisions and rulings and criminal case decisions and rulings concerning questions of property.

Local people's courts at various levels shall install legal medical experts.

Local people's courts at various levels shall install bailiffs.

Article 42

The establishment, authorized size and structure of people's courts at various levels shall be separately stipulated by judicial administration organs.

ORGANIC LAW FOR PEOPLE'S PROCURATORATES

OW071034 Beijing XINHUA Domestic Service in Chinese 0704 GMT 5 Jul 79 OW

[Text] Beijing, 5 July--The Organic Law of the People's Procuratorates of the People's Republic of China (adopted at the second session of the Fifth NPC on 1 July 1979)

Chapter I
General Principles

Article I

The people's procuratorates are the organs of the state supervising the administration of justice.

Article 2

The People's Republic of China shall establish the Supreme People's Procuratorate, local people's procuratorates at various levels and special people's procuratorates.

The local people's procuratorates at various levels shall include the following:

1. People's procuratorates of the provinces, autonomous regions and municipalities directly under the central government;
2. Divisional people's procuratorates of the provinces, autonomous regions and municipalities directly under the central government and people's procuratorates of the prefectures and counties directly under the provincial governments;
3. People's procuratorates of the counties, cities, autonomous counties and districts directly under the city governments.

The people's procuratorates at the provincial level and the county level may, in accordance with work requirements and after obtaining approval from the standing committees of the people's congresses at the same levels, establish people's procuratorates in industrial and mining, land reclamation and forestry areas as their agencies.

The special people's procuratorates include: military procuratorates, railway transport procuratorates, water transport procuratorates and other special procuratorates.

The establishment, formation and functions and powers of the special people's procuratorates shall be separately prescribed by the Standing Committee of the National People's Congress.

Article 3

The people's procuratorates at various levels shall have one chief procurator, several deputy chief procurators and several procurators. The procuratorates shall carry out their work under the unified leadership of their chief procurators.

People's procuratorates at all levels shall set up procuratorial committees. The procuratorial committees shall practice democratic centralism and discuss and decide on cases of major importance and other issues of vital importance under the auspices of the chief procurators. If a chief procurator does not agree with the decision of the majority on matters of vital importance, he may request that the Standing Committee of the people's congress at the same level take the decision.

Article 4

People's procuratorates, through exercising their procuratorial authorities, shall suppress all activities of treason, attempts to split the country and other counter-revolutionary activities; strike at counterrevolutionaries and punish other criminals; safeguard the unity of the country, the system of proletarian dictatorship, the socialist legal system, social order, production order, work order, teaching and scientific research order and the orderly life of the masses of the people; protect the property of socialist ownership by the whole people, the property of collective ownership by the laboring masses, the legitimate private property of citizens, the personal, democratic and other rights of citizens; and guarantee the smooth progress of socialist modernization.

People's procuratorates, through carrying out procuratorial activities, shall educate citizens in the need to be loyal to the socialist motherland, consciously observe the Constitution and law and wage active struggle against violations of law.

Article 5

People's procuratorates shall carry out the following functions and exercise the following powers:

1. Exercise procuratorial authority with regard to cases of treason, of attempts to split the country and other major criminal cases of serious disruption of the unified implementation of state policies, laws, decrees and administrative orders;
2. Carry out investigations of criminal cases they have accepted for direct handling;
3. Carry out examinations of cases investigated by public security organs and decide whether or not arrest, prosecution or exemption from prosecution is warranted; exercise supervision over the investigatory activities of the public security organs to check on their legality;
4. Institute proceedings against criminals and support public prosecution; exercise supervision over the trial activities of the people's courts to check on their legality;
5. Exercise supervision over the implementation of court decisions and judgments on criminal cases and the activities of prisons, detention centers and organs for transformation through labor to check on their legality;

Article 6

People's procuratorates shall protect the citizens' right to bring charges against a state functionary who violates law and investigate and affix the responsibility of a person who infringes upon the personal, democratic and other rights of a citizen.

Article 7

People's procuratorates must, in carrying out their work, persist in seeking truth from facts, follow the mass line, heed the people's opinions, subject themselves to supervision by the people, investigate and deliberate, stress the weight of evidence, put little credence in confessions, strictly forbid the extortion of confessions and giving them credence, and correctly differentiate and handle contradictions between the people and the enemy and those among the people.

All functionaries of the people's procuratorates at all levels must be faithful to factual truth, the law and the socialist cause and serve the people with heart and soul.

Article 8

People's procuratorates at all levels shall exercise their procuratorial authority and deal with any citizen as their equal in accordance with the applicable law and shall not be permitted any privileges.

Article 9

People's procuratorates shall exercise their procuratorial authority independently in accordance with the law and shall not be subject to interference by other administrative organs, organizations or individuals.

Article 10

The Supreme People's Procuratorate shall be responsible and accountable to the National People's Congress and its Standing Committee. Local people's procuratorates at various levels shall be responsible and accountable to people's congresses and their standing committees at corresponding levels.

The Supreme People's Procuratorate shall exercise leadership over local people's procuratorates at various levels and special people's procuratorates in their work. People's procuratorates at higher levels shall exercise leadership over people's procuratorates at lower levels in their work.

Chapter II

Procedures for People's Procuratorates To Carry Out
Their Functions and Exercise Their Powers

Article 11

When the commission of an act deemed criminal is discovered, a people's procuratorate shall place the case on file for investigation or turn the case over to a public security organ for investigation in accordance with the law. After the conclusion of the investigation, if the people's procuratorate deems it necessary to pursue the case and affix criminal responsibility to the defendants, the people's procuratorate shall present an indictment to a people's court. If it does not deem it necessary to pursue the case and affix criminal responsibility, the people's procuratorate shall withdraw the case.

Article 12

The arrest of any citizen, except where decided by the people's courts, must be approved by a people's procuratorate.

Article 13

People's procuratorates shall carry out examinations of the cases for which indictments are requested by public security organs to decide whether to bring indictments, waive indictments or not to bring indictments. They may return a case to a public security organ for further investigation when there is insufficient evidence or where the main facts of the crime are unclear.

When the investigatory activities of public security organs are found to be in violation of law, people's procuratorates shall notify them to correct such activities.

Article 14

When a public security organ feels that the decision of the people's procuratorate not to bring an indictment or to waive the indictment with regard to a case submitted by it to the people's procuratorate is wrong, the public organ may request the people's procuratorate to reconsider the case. It may also request a review of the case by a higher level people's procuratorate. The higher level people's procuratorate shall take a timely decision and notify the lower level people's procuratorate and public security organ for its implementation.

Article 15

When a people's procuratorate brings an indictment in a case, its chief procurator or procurator shall present himself as a state prosecutor in the court, support the indictment and exercise supervision over the trial to check on its legality.

Article 16

When the people's courts hold that the main facts of a crime are unclear or the evidence is insufficient in indictments by the people's procuratorates or that there are violations of law, they may return the cases to the people's procuratorates for further investigations or notify the people's procuratorates for their corrections.

Article 17

When local people's procuratorates at various levels find that the decisions and judgments reached in cases during their first trial by the people's courts at corresponding levels are wrong, they shall appeal the cases in accordance with the procedures for appeal.

Article 18

When definite errors are found by the Supreme People's Procuratorate in the decisions and judgments made by the people's courts at various levels which already are legally binding, or by higher level people's procuratorates in the decision and judgments made by lower level people's courts which already are legally binding, they shall lodge an appeal in accordance with the procedures for trial supervision.

A people's procuratorate must send a representative to a court when it is hearing a case in accordance with the procedures for trial supervision.

Article 19

When people's procuratorates find that there are violations of law in the execution of the decision and judgment on a criminal case, they shall notify the executing organs for their corrections.

When people's procuratorates find that there are violations of law in the activities of prisons, detention centers and organs for transformation through labor, they shall notify the responsible organs for corrections.

Chapter III

The Establishment of People's
Procuratorates' Organs and the Appointment and Removal of Their
Personnel

Article 20

The Supreme People's Procuratorate shall be composed of the procuratorial departments in charge of criminal cases, law and discipline and economic cases and may set up other professional work offices when needed.

Local people's procuratorates at various levels and special people's procuratorates may set up corresponding organs.

Article 21

The chief procurator of the Supreme People's Procuratorate shall be elected or recalled by the National People's Congress.

The deputy chief procurators, members of the procuratorial committee and procurators of the Supreme People's Procuratorate shall be appointed or removed by the NPC Standing Committee on the proposal of its chief procurator.

Article 22

The chief procurators of people's procuratorates and of their branches in provinces, autonomous regions and municipalities directly under the central government shall be elected or recalled by the people's congresses or provinces, autonomous regions and municipalities directly under the central government; and deputy chief procurators, the members of procuratorial committees and procurators shall be appointed or removed by the standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the central government.

The appointment and removal of the chief procurators, deputy chief procurators and the members of procuratorial committees of people's procuratorates in provinces, autonomous regions and municipalities directly under the central government must be reported to the chief procurator of the Supreme People's Procuratorate for approval by the NPC Standing Committee.

Article 23

The chief procurators of people's procuratorates in autonomous prefectures, municipalities directly under the provincial authority, counties, municipalities and districts under the municipal authority shall be elected or recalled by people's congresses at the corresponding levels, and deputy chief procurators, members of procuratorial committees and procurators shall be appointed or removed by the standing committees of the people's congresses of autonomous prefectures, municipalities directly under the provincial authority, counties, and districts directly under the municipal authority on the proposal of the chief procurators of the respective people's procuratorates.

The appointment and removal of the chief procurators, deputy chief procurators and the members of procuratorial committees of people's procuratorates in autonomous prefectures, municipalities directly under the provincial authority, counties, municipalities and districts directly under the municipal authority must be reported to the chief procurators of people's procuratorates in provinces, autonomous regions and municipalities directly under the central government for approval by the standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the central government.

Article 24

The chief procurators, deputy chief procurators, the members of procuratorial committees and procurators of people's procuratorates established by the people's procuratorates at the provincial and county levels in industrial, mining, land reclamation and forest areas shall be appointed or removed by the standing committees of the people's congresses of provinces and counties on the proposal of the chief procurators of people's procuratorates at the provincial and county levels.

Article 25

The term of office for the chief procurators of people's procuratorates at various levels shall be the same as that of people's congresses at corresponding levels.

Article 26

On the proposal of the chief procurators of people's procuratorates at the corresponding levels, the NPC Standing Committee and the standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the central government may dismiss and replace the chief procurators, deputy chief procurators and the members of the procuratorial committees of people's procuratorates at lower levels.

Article 27

People's procuratorates at various levels shall be staffed with assistant procurators and clerks. An assistant procurator may act as a procurator with the approval of the chief procurator. Clerks shall be responsible for keeping case records and for handling other related matters.

Assistant procurators and clerks shall be appointed or removed by the chief procurators of people's procuratorates at various levels.

People's procuratorates at various levels may install bailiffs according to work needs.

Article 28

The authorized number of personnel of people's procuratorates at various levels shall be separately stipulated by the Supreme People's Procuratorate.

CRIMINAL LAW

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Part One: General Provisions

Chapter I

Guiding Ideology, Task and Scope of Application

Article 1

The criminal law of the PRC takes Marxism-Leninism-Mao Zedong Thought as its guide and the Constitution as its basis and adheres to the principle of combining punishment with leniency. It is drawn up in the light of the actual situation and concrete experience gained by the people of all nationalities in our country in exercising the people's democratic dictatorship, that is, proletarian dictatorship led by the proletariat and based on the alliance of workers and peasants, and in carrying out socialist revolution and socialist construction.

Article 2

The task of the PRC's criminal law is to use punishment to combat all counterrevolutionary crimes and acts of criminal offences, defend the dictatorship of the proletariat, protect socialist property of the whole people and of the collective and legitimate private property. This law is used to protect the personal rights, democratic rights and other rights of citizens, maintain public order and order in production, work, teaching, scientific research and the life of the people and insure the smooth progress of the socialist revolution and socialist construction.

Article 3

The criminal law is applicable to offences committed by any person within Chinese territory unless it is otherwise specified in law.

The criminal law is also applicable to offences committed by any person aboard Chinese ships or planes.

Any part of an act or outcome of offence which takes place within Chinese territory is considered a crime committed within Chinese territory.

Article 4

The criminal law is applicable to the following offences committed by Chinese citizens abroad:

1. Counterrevolutionary offences;
2. Counterfeiting of national currency (Article 122) or valuable securities (Article 123);
3. Embezzlement (Article 155), taking bribes (Article 185) or betrayal of state secrets (Article 186); and
4. Posing as a state functionary to swindle and bluff (Article 166) or forging documents, credentials and seals (article 167).

Article 5

Any Chinese citizen abroad who has committed an offence not mentioned above is liable under the criminal law if the minimum penalty for such an offence is not less than 3 years imprisonment according to Chinese law, unless the act is not punishable by law in the foreign state where it was committed.

Article 6

Any foreigner who has committed an offence against China or against a Chinese citizen outside the country is liable under the criminal law if the minimum penalty is not less than 3 years imprisonment according to Chinese law, unless the act is not punishable by law in the foreign state where it was committed.

Article 7

Any offence committed outside the country which involves criminal liability under present law is chargeable even if it has been tried in the foreign state. However, punishment may be waived or mitigated if the offender has already been punished in that foreign country.

Article 8

Criminal liability for foreigners who enjoy diplomatic privileges and immunity shall be resolved through diplomatic channels.

Article 9

The criminal law will become effective on 1 January 1980. Acts committed after the founding of the PRC and before the present law comes into effect which were not considered as offences under the law, decrees and policies at that time should be dealt with according to the law, decrees and policies at that time. Those which were considered offences under the law, decrees and policies at that time and are punishable according to Section 8 of Chapter IV under the General Provisions of the present law should be punished in the line with the law, decrees and policies at that time. However, the present law is to be applied if an act is not considered an offence, or if a lighter sentence will be imposed under present law.

Chapter II

Offences

Section 1: Offences and Responsibility for a Crime

Article 10

Any action which endangers state sovereignty and territorial integrity, jeopardizes the dictatorship of the proletariat, sabotages socialist revolution and socialist construction, disrupts public order, encroaches upon the property of the whole people, the collective or legitimate private property, infringes upon the personal rights, democratic rights and other rights of citizens or any other action which endangers society and is punishable according to law is an offence. However, if the offence is obviously a minor one and if its harm is negligible, it should not be considered a crime.

Article 11

A person who commits a crime when he knows perfectly well that his action will endanger society and still wishes or lets this happen is guilty of an intentional offence.

An intentional offence is punishable.

Article 12

A person who should have foreseen that his action, which results in harm, will endanger society but has failed to do so due to negligence or has foreseen the danger but believed he could avoid it is guilty of an unintentional offence.

An unintentional offence is punishable only when the law so prescribes.

Article 13

An action which objectively results in harm due to irresistible or unforeseeable factors rather than due to one's intention or negligence is not deemed a crime.

Article 14

Offenders above 16 years of age are punishable by law.

Offenders between 14 and 16 years of age are liable only when they have committed homicide, mayhem, robbery, arson, repeated theft and other grave offences which will disrupt public order.

Offenders between 14 and 18 years of age should receive a lighter or mitigated penalty.

Offending minors under 16 years of age who are not punishable should be placed in the charge of their parents or guardians. If necessary, they may be taken into custody by the government for reeducation.

Article 15

Mental patients who cannot understand or control their actions are not accountable for the harm they have caused. However, their family members or guardians should be instructed to keep close watch over them and give them treatment.

Patients of intermittent insanity are punishable for offences they commit when they are sane.

An offence committed while a person is in a state of drunkenness is punishable.

Article 16

A deaf-mute or blind person who commits an offence may receive a lighter or mitigated penalty or be exempted from penalty.

Article 17

Rightful defense taken to protect the public interest or people's physical and other interests from being infringed upon by illegal action is not punishable.

When a person exceeds the limits of necessity in taking rightful defense and causes unnecessary harm, he should be held legally responsible for his act. However, the penalty may be mitigated or waived according to the situation.

Article 18

A person who has no alternative but to seek emergency measures to protect the public interest or people's physical and other interests from an existing threat is not punishable.

When a person exceeds the limit of necessity in seeking emergency measures and causes unnecessary harm, he should be held legally responsible for his acts. However, the penalty may be mitigated or waived according to the situation.

The provision in the first clause on protecting oneself from threats is not applicable to a person who is charged with special responsibility in his duty and work.

Section 2: Preparation To Commit a Crime, Attempted Crime and Incomplete Crime

Article 19

The preparation to commit a crime is an act of preparing the instruments or conditions for committing a crime.

Punishment for a would-be offender may be lighter than that for an accomplished offender and may be mitigated or waived.

Article 20

An attempted crime means that the offender has already begun to commit a crime, but the crime has not been carried out due to external factors independent of his will.

Punishment for an attempted offender may be lighter than that for an accomplished offender and may be mitigated.

Article 21

An incomplete crime involves the offender's voluntary act of aborting a crime or his voluntary and effective act of preventing the conclusion of a crime.

Punishment may be waived or mitigated for such an offender.

Section 3: Joint Offence

Article 22

A joint offence refers to one committed intentionally by two or more persons.

An unintentional offence committed by two or more persons is not deemed a joint offence. If criminal responsibility is involved, they should be punished separately according to the offence they have committed.

Article 23

A person who organizes and leads a criminal clique to commit crimes or plays the principle role in a joint offence is a principal offender.

A principal offender should be severely punished unless it is otherwise stated in the specific provisions of the present law.

Article 24

A person who plays a secondary or auxiliary role in a joint offence is an accessory offender.

Punishment for an accessory offender should be lighter than that for a principal offender and may be mitigated or waived.

Article 25

Punishment for a person who is forced or cajoled into committing a crime should be mitigated or waived according to the seriousness of the case as compared with an accessory offender.

Article 26

A person who instigates others to commit crimes should be punished according to the role he plays in the joint offence. A person who instigates a person under 18 years old to commit a crime should be severely punished.

If the instigated person has not actually committed the crime, the instigator may be given a lighter or mitigated penalty.

Chapter III

Punishments

Section 1: Type of Punishments

Article 27

Punishments are divided into major and supplementary categories.

Article 28

Major punishments are as follows:

1. Surveillance;
2. Detention;
3. Fixed-term imprisonment;
4. Life imprisonments; and
5. Death penalty.

Article 29

Supplementary punishments are as follows:

1. Fines;
2. Deprivation of political rights; and
3. Confiscation of property.

In certain cases only a supplementary punishment will be imposed.

Article 30

Deportation may be applied as an exclusive or supplementary penalty to a foreigner who has committed an offense.

Article 31

Apart from sanctions according to law, an offender guilty of an offense resulting in financial losses to a victim should also be sentenced to make reparations in the light of the condition.

Article 32

Light offenses that do not require punishment may be exempted from criminal sanctions. However, the offender may be reprimanded or ordered to mend his ways, apologize and pay compensation or be subjected to administrative disciplinary measures from the department in charge based on the seriousness of the offense.

Section 2: Surveillance

Article 33

The period of surveillance is not to be less than 3 months and not more than 2 years.

Surveillance must be ordered by the people's court and implemented by the public security organs.

Article 34

During the period of enforcement, offenders sentenced to be surveilled must observe the following rules:

1. Observe statutes and laws, submit to mass supervision and actively take part in collective labor production or work;
2. Regularly report their activities to executive organs; and
3. Report changes of address and travel to executive organs for approval.

Offenders sentenced to be surveilled receive equal pay for equal work.

Article 35

When the surveillance period is over, the executive organ should immediately announce to the offender and the masses concerned the lifting of surveillance.

Article 36

The period of surveillance is effective from the date of sentence. Each day in custody prior to the execution of the sentence is considered as 2 days on the term of sentence.

Section 3: Detention

Article 37

The period of detention is to be no less than 15 days and not more than 6 months.

Article 38

Sentences for offenders sentenced to detention are carried out by nearby public security organs.

During the period of enforcement, the offenders sentenced to detention may go home 1 to 2 days every month and can be given appropriate pay for their work.

Article 39

The period of detention is effective from the date of sentence.

Each day in custody prior to the sentence is considered as 1 day on the term of sentence.

Section 4: Fixed-Term Imprisonment and Life Imprisonment

Article 40

The period of fixed-term imprisonment is to be no less than 6 months and no more than 15 years.

Article 41

Sentences for offenders sentenced to fixed-term imprisonment and life imprisonment are carried out in prisons or other correction-through-labor centers; those able to work must undergo correction through labor.

Article 42

The period of fixed-term imprisonment is effective from the date of sentence. Each day in custody prior to the execution of the sentence is considered as 1 day of imprisonment

Section 5: Death Penalty

Article 43

The death penalty is imposed only for the most heinous offences. In the case of an offender who should be given the death penalty, if immediate execution of the death penalty is not mandatory, a 2-year reprieve may be pronounced simultaneously with the death verdict. Correction through labor will be carried out to see if the offender shows evidence of repentance.

Except for those death sentences handed down by the Supreme People's Court, all others should be submitted to the Supreme People's Court for examination and approval. Reprieve of death sentences may be pronounced or approved by the Higher People's Court.

Article 44

The death penalty is not suitable for people under 18 at the time of the crime or for women pregnant at the time of trial. A person between 16 and 18 years of age who has committed a particularly serious offense may be sentenced to death with a 2-year reprieve.

Article 45

Execution is to be carried out by the firing squad.

Article 46

If an offender shows evidence of repentance during the period of reprieve, his punishment will be commuted to life imprisonment at the end of the 2-year period. If he shows definite signs of repentance and performs meritorious services, his sentence will be commuted to a fixed-term imprisonment of no less than 15 years and no more than 20 years at the end of the 2-year period. If he seriously resists correction and the evidence of this is verified, the death penalty shall be carried out with the ruling and approval of the Higher People's Court.

Article 47

The period of reprieve of the death penalty is effective from the date of sentence. The period of commutation of the death penalty to a fixed-term imprisonment will be calculated from the date of the ruling.

Section 6: Fines

Article 48

Imposition of fines should be based on the seriousness of the offense.

Article 49

Fines imposed must be paid in full or in installments within a specified period. If fines are not paid after the period is over, payment will become compulsory. In case of difficulties caused by force majeure, they may be reduced or remitted after taking the circumstances into consideration.

Section 7: Deprivation of Political Rights

Article 50

The deprivation of political rights includes the following:

1. The right to vote and stand for election;
2. The rights provided for in article 45 of the Constitution;
3. The right to hold a position in state organs; and
4. The right to hold a leading position in any enterprise, business unit or people's organization.

Article 51

Unless otherwise provided for in Article 53 of the criminal law, the period of deprivation of political rights will not be less than 1 year and not more than 5.

If those sentenced to surveillance are additionally deprived of political rights, the period of their deprivation of political rights will be the equivalent to the period of surveillance and the two will be carried out simultaneously.

Article 52

Counterrevolutionaries should be additionally deprived of political rights. If necessary, criminals who seriously disrupt social order may also be additionally deprived of their political rights.

Article 53

Criminals sentenced to death and to life imprisonment will also be deprived of their political rights for life.

When the death penalty has been reprieved to a fixed-term imprisonment, or when a life imprisonment has been commuted to a fixed-term imprisonment, the period of additional deprivation of political rights should be changed to no less than 3 years and no more than 10.

Article 54

The sentence of additional deprivation of political rights will be calculated from the date of imprisonment or from the date detention is served or the date of parole. Deprivation of political rights of course applies to the period in which the principal sentence is served.

Section 8: Confiscation of Property

Article 55

Confiscation of property includes part or all the personal property of an offender.

When ordering the confiscation of property, the property belonging to the dependents of the offender or that to which they are entitled must not be confiscated.

Article 56

Before the confiscation of property, the legitimate debts of the offender must be repaid out of the confiscated property. This must be done through the application of creditors and on the verdict of the people's court.

Chapter IV

The Concrete Application of Punishment

Section 1: The Meting Out of Punishment

Article 57

Punishment for the offender should be determined by the facts, nature and circumstances of the offense and its degree of harm to society. Sentence will be based on the provisions of the criminal law.

Article 58

The criminal law provides for imposition of a lighter or heavier sentence on the offender according to law; penalty should be imposed within the limits set by law.

Article 59

The criminal law provides for reduction of punishment for criminal elements according to circumstances; penalty should be imposed within the limits set by law.

If criminal cases do not fall under the circumstances stipulated by the criminal law for reducing penalties and the lightest legal sentence is still too heavy based on the concrete condition of the case, then a punishment below the legal sentence may be imposed with the approval of the judicial committee of the people's court.

Article 60

The offender must make reparations for all property illegally obtained. Contraband and personal belongings of the offender should be confiscated.

Section 2: Repeat Offenders

Article 61

If an offender sentenced to a fixed-term imprisonment commits an offense punishable by another fixed-term imprisonment within 3 years of serving his sentence or receiving his pardon, he is a repeat offender and must be heavily punished. However, this does not apply to an unpremeditated offense.

Limitation on the above in the case of an offender on parole is calculated from the date of his parole expiration.

Article 62

Counterrevolutionaries who have served their sentences or been granted pardons will be dealt with as repeat offenders any time they commit other counterrevolutionary offenses.

Section 3: Voluntary Surrender

Article 63

Offenders who voluntarily surrender will be dealt with leniently. Those guilty of light offenses will be given light sentences or be exempted from punishment. Those guilty of more serious offenses will also be given light sentences or exempted from punishment if they produce evidence of meritorious service.

Section 4: Punishment for Several Crimes at the Same Time

Article 64

With the exception of the death penalty and life imprisonment, the sentence for a criminal who has committed several crimes should be governed by the circumstances of the case but should be shorter than the total length of the terms for all his crimes and longer than the longest period handed down for an individual crime. However, surveillance should not be for more than 3 years at the maximum, detention should not exceed 1 year at the maximum and fixed-term imprisonment should not exceed 20 years at the maximum.

However, if additional punishments are pronounced for the several crimes, they must still be carried out.

Article 65

If a criminal is discovered to have committed other unconvicted crimes after sentence has been pronounced but before punishment has been carried out, the punishment to be imposed should be determined by the verdict of the newly discovered crimes, and punishment should be pronounced on the two verdicts according to the provision of Article 64 of the criminal law. The prison term already being served should be taken into consideration in pronouncing the sentence of the new prison term.

Article 66

If a convicted criminal commits another offense after sentence has been pronounced but before punishment has been carried out, then the punishment not yet carried out prior to the offense and the punishment pronounced after the offense should be carried out according to the provision of Article 64 of the criminal law.

Section 5: Probation

Article 67

Probation may be declared for offenders sentenced to detention or to fixed-term imprisonment of less than 5 years. The circumstances of the offense and the repentance displayed must be taken into consideration. Offenders must be deemed suitable for probation and must definitely not imperil society.

If the offenders who have been given probation have been sentenced to additional punishment, such punishments must still be carried out.

Article 68

The probational period for detention is not to be more than 1 year of the original sentence but cannot be less than 1 month.

The probational period for fixed-term imprisonment is not to be more than 5 years of the original sentence but cannot be less than a year.

The probational period is calculated from the time of sentence.

Article 69

Probation cannot be applied to counterrevolutionaries and repeat offenders.

Article 70

Offenders granted probation will be sent to a local unit or grassroots organization by the public security organ for supervision. If he commits no new crimes during the probational period, his sentence will be suspended. If he commits a new offense, his probation will be cancelled and punishment will be imposed for both offenses in accordance with the provisions of Article 64 of the criminal law.

Section 6: Commuting

Article 71

If an offender sentenced to surveillance, detention, fixed-term imprisonment or life imprisonment serving his time shows evidence of repentance or displays meritorious service, his sentence may be commuted. However, the actual prison term served after one or several commutations cannot be less than half the original sentence for the surveillance, detention or fixed-term imprisonment. In the case of life imprisonment, it cannot be less than 10 years.

Article 72

The life imprisonment term commuted to a fixed-term one will be calculated from the date of the pronouncement of commutation.

Section 7: Parole

Article 73

An offender sentenced to fixed-term imprisonment after serving more than half his original sentence may be granted a parole if he definitely shows evidence of repentance and no longer imperils society. An offender sentenced to life imprisonment must actually serve not less than 10 years of his sentence. In the case of unique circumstances, the above restrictions may be waived.

Article 74

The probational period of parole for fixed-term imprisonment is to be the residue period of the prison term not served. The probational parole period for life imprisonment is to be 10 years.

The probational parole period will be calculated from the date of parole.

Article 75

The offender under parole must submit to the supervision of the public security organ during the probational parole period. If he does not commit any new offense, he will be considered as having fully served his original sentence. If he commits a new offense, his parole will be cancelled and the punishment to be imposed will be determined by the balance of the prison term he had not served prior to the crime. The sentence of the later offense will be in accordance with the provision of Article 64 of the criminal law.

Section 8: Prescription

Article 76

The period of limitation for prosecution of offenses is as follows:

1. For offenses having a maximum penalty prescribed by law of less than 5 years, the period of limitation is 5 years;
2. For offenses having a maximum penalty prescribed by law of less than 10 years, the period of limitation is 10 years;
3. For offenses having a maximum penalty prescribed by law of not less than 10 years, the period of limitation is 15 years; and

4. For offenses having a maximum penalty prescribed by law of life imprisonment or the death penalty, the period of limitation is 20 years. If it is deemed necessary to prefer prosecution after 20 years, approval must be obtained from the Higher People's Procuratorate.

Article 77

Offenders who escaped detection of trial after the adoption of compulsory measures by the people's court, the people's procuratorate and the public security organ are not covered by the period of limitation.

Article 78

The period of limitation for prosecution is calculated from the date of the offense. For an offense that is continuous or continuing, calculation is based on the date of the termination of the offense.

If another offense has been committed in the period of limitation for prosecution, then the period of limitation for prosecution of the former offense is calculated from the date the later offense was committed.

Chapter V:

Other Provisions

Article 79

Those who commit offenses not explicitly defined in the specifics of the criminal law may be convicted and sentenced according to the most approximate article in the criminal law. However, approval must be obtained from the Higher People's Court.

Article 80

The provisions of the criminal law may not be entirely suitable for autonomous nationalities areas. Organs of state power of autonomous regions and provinces may formulate and make appropriate and supplementary changes based on the political, economic and cultural characteristics of the local nationalities and the basic principles defined by the criminal law and submit them to the NPC Standing Committee for approval.

Article 81

Public property as stated in the criminal law refers to the following property:

1. Property owned by the whole people; and
2. Property owned by the collectives of working people.

Personal property managed and used by the state, people's communes, cooperatives, joint venture enterprises and people's organizations, or in transportation, are considered public property.

Article 82

Legitimate private property of citizens as stated in the original law refers to the following:

1. The legitimate income, savings, houses and other means of livelihood of the citizens and
2. Private plots of land, livestock and trees which belonged to the individual and his family according to law.

Article 83

State functionaries as stated in the criminal law refer to personnel of all state organs, enterprises and business units and others engaged in public affairs according to law.

Article 84

Judicial work personnel as stated in the criminal law refer to personnel engaged in the work of investigation and interrogation, prosecution, trial and surveillance of offenders.

Article 85

Serious injuries as stated in the criminal law refers to the following:

1. Injuries resulting in loss of limb or in disfigurement;
2. Injuries resulting in loss of hearing, sight or function of any other organ; and
3. Injuries that can cause grave harm to the physical health of the people.

Article 86

Major culprits as stated in the criminal law refer to the offenders who played organizing, planning and directing roles in criminal groups or criminal assemblies.

Article 87

Complaints to be handled as stated in the criminal law refers to the handling of complaints lodged by the victim. If the victim is unable to lodge a complaint because of coercion or intimidation, then the people's procuratorate and the relatives of the victim may also lodge complaints on his behalf.

Article 88

The terms "more than," "not less than" and "within" as stated in the criminal law are all included within the given figures.

Article 89

The general provisions of the criminal law are suitable for the use of other penal laws and codes, with the exception of special provisions of other laws.

Part One: Specific Provisions**Chapter I:****Counterrevolution****Article 90**

Counterrevolutionary offenses are those for the purpose of overthrowing the political power of the dictatorship of the proletariat and the socialist system and jeopardizing the People's Republic of China.

Article 91

Offenders colluding with foreign countries and conspiring to jeopardize the sovereignty, territorial integrity and security of the motherland will be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years.

Article 92

Those plotting to overthrow the government and split the country will be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years.

Article 93

Those instigating, seducing or bribing any state functionary or any member of the armed forces, the people's police or the militia to defect, turn traitor or rebel will be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years.

Article 94

Those defecting and turning traitor will be sentenced to fixed-term imprisonment of not less than 3 and not more than 10 years. Those guilty of serious cases of defecting and turning traitor or who lead their men to defect to the enemy and turn traitor will be sentenced to imprisonment of not less than 10 years or life imprisonment.

Article 95

Major culprits of armed rebellious assemblies or other serious offenses will be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years. Those taking an active part will be sentenced to fixed term imprisonment of not less than 3 and not more than 10 years.

Article 96

Major culprits gathering a mob to storm prisons and release prisoners or organizing jail-breaks or other serious offenses will be sentenced to fixed-term imprisonment of not less than 10 years. Those taking an active part will be sentenced to fixed-term imprisonment of not less than 5 and not more than 10 years.

Article 97

Those committing espionage or supporting the enemy in the following manner will be sentenced to imprisonment of no less than 10 years or life imprisonment; in less serious cases, they will be sentenced to fixed-term imprisonment of not less than 5 and not more than 10 years:

1. Stealing, spying and supplying information to the enemy;
2. Supplying arms or other military materials to the enemy; and
3. Joining a secret service or espionage organization or receiving orders from the enemy.

Article 98

Those organizing or leading a counterrevolutionary group will be sentenced to fixed-term imprisonment of not less than 5 years. Those taking an active part will be sentenced to fixed-term imprisonment, detention, surveillance or deprivation of political rights for not more than 5 years.

Article 99

Those organizing and utilizing feudal superstitious beliefs, secret societies or sects to carry out counterrevolutionary activities will be sentenced to fixed-term imprisonment of not less than 5 years. In less serious cases they will be sentenced to fixed-term imprisonment, detention, surveillance or deprivation of political rights for not more than 5 years.

Article 100

Any of the following destructive acts for counterrevolutionary purposes will be punishable by life imprisonment or fixed-term imprisonment of not less than 10 years; in less serious cases offenders will be sentenced to fixed-term imprisonment of not less than 3 and not more than 10 years;

1. Destruction or damage to any military installation, production facility, telecommunications and transportation installation, building project and safety installation or other public building and property through explosion, arson or deliberate inundation;
2. Theft of any state document or military material and the robbing of any factory and mining enterprise, bank, department store, warehouse or other public property;
3. Hijacking of any ship, aircraft, train, streetcar or motorcar;
4. Directing the enemy to any bombing or shelling target; and
5. Making, robbing or stealing any gun or ammunition.

Article 101

The use of poison, bacteria and other methods to kill and injure people for counterrevolutionary purposes will be punishable by life imprisonment or fixed-term imprisonment of not less than 10 years. Less serious cases will be sentenced to fixed-term imprisonment of not less than 3 and not more than 10 years.

Article 102

Any of the following acts carried out for counterrevolutionary purposes will be punishable by fixed-term imprisonment, detention, surveillance or deprivation of political rights for not less than 5 years:

1. Inciting the masses to resist arrest and violating the law and statute of the states; and
2. Using counterrevolutionary slogans, leaflets or other means to spread propaganda inciting the overthrow of the political power of the dictatorship of the proletariat and the socialist system.

Article 103

With the exception of Articles 98, 99 and 102, counterrevolutionary offenses listed in the above chapter that are of a particularly heinous nature causing grave harm to the people and the state can be given the death penalty.

Article 104

The offenses in this chapter can also be carried out concurrently with the confiscation of property.

Chapter II:

Violation of Public Security

Article 105

Any act of arson, deliberate dam sabotage, explosion or other dangerous method to destroy a factory, mine, oilfield, port, river, water source, warehouse, home, forest, farm, barn, livestock farm, important pipeline, public building or other public property endangering public security but not yet resulting in serious consequences will be punishable by fixed-term imprisonment of not less than 3 and not more than 10 years.

Article 106

Any act of arson, deliberate dam sabotages, explosion, use of poison or other dangerous methods resulting in serious injury and death and causing great loss to public property will be punishable by fixed-term imprisonment of not less than 10 years, life imprisonment or the death penalty.

Article 107

Any act of sabotage to train, motorcar, tram, streetcar and ship causing them to be overturned or destroyed but not yet resulting in serious mishap will be punishable by fixed-term imprisonment of not less than 3 and not more than 10 years.

Article 108

Any act of sabotage to railroad track, bridge, highway, airfield, navigation passage, lighthouse or marker or any other sabotage activity sufficient to cause the overturning and destruction of any train, motorcar, streetcar, aircraft and ship but not yet resulting in serious accident will be punishable by fixed-term imprisonment of not less than 3 and not more than 10 years.

Article 109

Any act of sabotage to electric power, gas or other inflammable and explosive installations endangering public security but not yet resulting in serious accident will be punishable by fixed-term imprisonment of not less than 3 and not more than 10 years.

Article 110

Any act of sabotage to means of transportation, transportation installation, electric power and gas installations and inflammable and explosive installations resulting in serious accident will be punishable by fixed-term imprisonment of not less than 10 years, life imprisonment or the death penalty.

Unpremeditated offenses in the above will be punishable by fixed-term imprisonment or detention of not more than 7 years.

Article 111

Any act of sabotage to a broadcast station, telegram, telephone or other telecommunications installation endangering public security will be punishable by fixed-term imprisonment of not more than 7 years. Serious cases will be punishable by fixed-term imprisonment of not less than 7 years.

Unpremeditated offense of the above will be punishable by fixed-term imprisonment or detention of not more than 7 years.

Article 112

The illegal making, trading and transporting of arms and ammunition or the theft in any form of guns and ammunition from state organs, police or militiamen will be punishable by fixed-term imprisonment of not more than 7 years. In serious cases this will be punishable by fixed-term imprisonment of not less than 7 years or life imprisonment.

Article 113

Communications and transportation personnel who violate rules and regulations thereby causing serious accidents that result in serious injury and death or serious losses to public property will be sentenced to fixed-term imprisonment of not more than 3 years. In particular serious cases they will be sentenced to fixed-term imprisonment of not less than 3 and not more than 7 years.

Noncommunications and transportation personnel who commit the above offenses will be punished according to the above provision.

Article 114

Workers in factories, mines, forestry centers, building or other enterprises and business units who disobey orders and break rules or who arbitrarily order workers to engage in hazardous work against rules thereby causing serious accidents and consequences will be sentenced to fixed-term imprisonment of not more than 3 years or detention. In particularly serious cases, they will be sentenced to fixed-term imprisonment of not less than 3 and not more than 7 years.

Article 115

Those who violate regulations on the control of explosives, flammables, radioactive materials, poisons and corrosive goods causing serious accidents in production, storage, transportation and use and resulting in grave consequences will be sentenced to fixed-term imprisonment or detention of not more than 3 years. In particularly serious cases they will be sentenced to fixed-term imprisonment of not less than 3 and not more than 7 years.

Chapter III

Acts Against the Socialist Economic Order

Article 116

Apart from confiscation of smuggled goods, serious cases of smuggling and violation of smuggling laws will be punishable by fixed-term imprisonment of not more than 3 years or detention and also the confiscation of property.

Article 117

Those who violate financial, foreign exchange, gold and silver and commercial control laws and practice speculation and manipulation will in serious cases be sentenced to fixed-term imprisonment of not more than 3 years or detention. They can concurrently or exclusively be sentenced to fines or the confiscation of property.

Article 118

Those who make a regular business of smuggling, speculating and profiteering, engage in smuggling, speculating and profiteering in a big way or are ringleaders in smuggling, speculating and profiteering groups will be sentenced to fixed-term imprisonment of not less than 3 and not more than 10 years. They can concurrently be sentenced to the confiscation of property.

Article 119

State functionaries who take advantage of their position to engage in smuggling, speculating and profiteering will be severely punished.

Article 120

Serious cases of forgery and reselling of planned supply certificates to make money will be punishable by fixed-term imprisonment of not more than 3 years or detention. They can concurrently or exclusively be sentenced to fines or have their property confiscated.

Ringleaders of the above offense or those with particularly serious cases will be sentenced to fixed-term imprisonment of not less than 3 and not more than 7 years and can concurrently be sentenced to have their property confiscated.

Article 121

As for those who violate tax laws, evade taxes and refuse to pay taxes, apart from forcing the serious offenders to pay overdue taxes according to the tax law and imposing fines on them, the personnel directly responsible will be sentenced to fixed-term imprisonment of not more than 3 years of detention.

Article 122

Those engaged in the forgery of state currency or the transportation and selling of counterfeit currency will be sentenced to fixed-term imprisonment of not less than 3 and not more than 7 years. They can concurrently be sentenced to fines or have their property confiscated.

Ringleaders who commit the above offense and those whose cases are particularly serious will be sentenced to fixed-term imprisonment of not less than 7 years or life imprisonment and can concurrently be sentenced to have their property confiscated.

Article 123

Those engaged in forging checks, stocks or other valuable securities will be sentenced to fixed-term imprisonment of not more than 7 years and concurrently be sentenced to fines.

Article 124

Those engaged in the forging of train tickets, ship tickets, postage stamps, duty stamps and receipts to make money will be sentenced to fixed-term imprisonment of not more than 2 years, detention or fines. In serious cases they will be sentenced to fixed-term imprisonment of not less than 2 and not more than 7 years and concurrently fined.

Article 125

Those who wreck machinery or equipment, injure draft animals or disrupt collective production by other methods out of spite or revenge will be sentenced to fixed-term imprisonment of not less than 2 years or detention. In serious cases they will be sentenced to fixed-term imprisonment of not less than 2 and not more than 7 years.

Article 126

Personnel directly responsible for serious cases of misappropriation of state funds and materials earmarked for the relief of disasters, emergency work, flood prevention and disabled servicemen and family members of revolutionary martyrs and servicemen causing serious harm to the interests of the state and people will be sentenced to fixed-term imprisonment of not more than 3 years of detention. In particularly serious cases they will be sentenced to fixed-term imprisonment of not less than 3 and not more than 7 years.

Article 127

In the case of violations of trade mark control laws and commercial enterprises imitating the registered trade marks of other enterprises, the personnel directly responsible will be sentenced to fixed-term imprisonment of not more than 3 years, detention or fines.

Article 128

Those guilty of the serious violation of the forest protection law and of illegally cutting and denuding forests will be sentenced to fixed-term imprisonment of not more than 3 years or detention and can concurrently or exclusively be sentenced fines.

Article 129

Those guilty of the serious violation of the aquatic product and resources protection law and using forbidden tools and methods to catch aquatic products in restricted areas during off-limit season will be sentenced to fixed-term imprisonment of not more than 2 years, detention or fines.

Article 130

Those guilty of seriously violating the hunting law, using forbidden tools and methods to hunt in restricted areas during the off-limit season and destroying rare species or other wild resources will be sentenced to fixed-term imprisonment of not more than 2 years, detention or fines.

Chapter IV

Acts Against the Personal and Democratic Rights of Citizens

Article 131

The law protects the citizen's personal and democratic rights and other rights against unlawful infringement by any person or organization. Those who are directly responsible for serious cases of unlawful infringement should be subject to criminal sanction.

Article 132

Anyone who commits voluntary homicide will be sentenced to death, life imprisonment or imprisonment for not less than 10 years. In minor cases, the offender will be sentenced to imprisonment for not less than 3 years and no more than 10 years.

Article 133

Anyone who is guilty of manslaughter will be sentenced to imprisonment for not more than 5 years. In particularly grave cases, the offender will be sentenced to imprisonment for not less than 5 years. Where separate provisions are laid down in the present law, such provisions will be followed.

Article 134

Anyone who commits intentional assault and battery will be sentenced to detention or imprisonment for not more than 3 years.

Whoever commits the aforesaid offence and causes severe injury to another person will be sentenced to imprisonment for not less than 3 years and no more than 7 years; if he causes death to another person, he will be sentenced to life imprisonment or imprisonment for not less than 7 years. Where separate provisions are laid down in the present law, such provisions will be followed.

Article 135

Anyone who unintentionally causes severe injury to another person will be sentenced to detention or imprisonment for not more than 2 years. In particularly grave cases, the offender will be sentenced to imprisonment for not less than 2 years and no more than 7 years. Where separate provisions are laid down in the present law, such provisions will be followed.

Article 136

It is strictly forbidden to extort a confession by torture. A state functionary who extorts a confession by torture will be sentenced to detention or imprisonment for not more than 3 years. If corporal punishment is used with the result that the person is disabled, he will be charged with injury and severely punished.

Article 137

It is strictly forbidden to gather a crowd for "beating, smashing and looting." If someone is disabled or killed, whoever gathers a crowd for "beating, smashing and looting" will be charged with injury and murder. In case public or private property is damaged or robbed, the major culprit will be charged with robbery and ordered to return what he has unlawfully taken or pay compensation for it.

Whoever commits the aforesaid offence may be exclusively deprived of political rights.

Article 138

It is strictly forbidden to bring false charges against the cadres and masses by any means whatsoever. Whoever brings false charges against another person (including a convict in prison) is to be punished according to the nature, seriousness, consequences and criterion of imposing penalties. A state functionary who is guilty of bringing a false charge against another person is to be severely punished.

The aforesaid is not applicable to wrong accusations made by mistakes or to unfounded prosecution.

Article 139

Anyone who commits rape by force, threats or other means will be sentenced to imprisonment for not less than 3 years and no more than 10.

Anyone who seduces a female minor under 14 years of age will be charged with rape and severely punished.

In particularly grave cases or where the victim is seriously wounded or killed, a person who commits either one of the aforesaid offences will be sentenced to death, life imprisonment or imprisonment for not less than 10 years.

Two or more persons who commit rape and violate the same victim will in turn be severely punished.

Article 140

Anyone who forces a female to engage in prostitution will be sentenced to imprisonment for not less than 3 years and no more than 10.

Article 141

Anyone who engages in abduction for purposes of trafficking in human beings will be sentenced to imprisonment for not more than 5 years. In grave cases, the offender will be sentenced to imprisonment for not less than 5 years.

Article 142

Anyone who violates the stipulations laid down in the electoral law, sabotages elections by force, threats, deception or bribery or obstructs the free exercise of a citizen's right to vote or to stand for election will be sentenced to detention or imprisonment for not more than 3 years.

Article 143

It is strictly forbidden to unlawfully incarcerate a person or to unlawfully deprive him of personal freedom by other means. Anyone who violates this will be sentenced to detention, deprivation of political rights or imprisonment for not more than 3 years. If beatings or insults are involved, the offender will be severely punished.

Whoever commits the aforesaid offense and causes severe injury to another person will be sentenced to imprisonment for not less than 3 years and no more than 10; if he causes death to another person, he will be sentenced to imprisonment for not less than 7 years.

Article 144

Anyone who unlawfully puts another person under surveillance or conducts an unlawful search of his person or living quarters or enters another person's living quarters by unlawful means will be sentenced to detention or imprisonment for not more than 3 years.

Article 145

Whoever seriously insults another person by force or other means, including the use of "big-character posters" or "small-character posters," or fabricates facts to libel him will be sentenced to detention, deprivation of political rights or imprisonment for not more than 3 years.

Unless public order and state interests are seriously jeopardized, the aforesaid offense will not be dealt with if a lawsuit has not been filed.

Article 146

A state functionary who abuses his power, indulges in jobbery or vindictively makes false charges against people who have filed lawsuits, appealed or made criticism will be sentenced to imprisonment for not more than 2 years. In grave cases, the offender will be sentenced to imprisonment for not less than 2 years and no more than 7.

Article 147

A state functionary who unlawfully deprives others of their freedom of religious belief or violates the customs and habits of minority nationalities to a serious extent will be sentenced to detention or imprisonment for not more than 2 years.

Article 148

Any witness, appraiser, recorder or interpreter who intentionally makes false identification, appraisal, recording or interpretation on major links of a case in the course of investigation and trial to frame another person or conceal evidence will be sentenced to detention or imprisonment for not more than 2 years. In grave cases, the offender will be sentenced to imprisonment for not less than 2 years and no more than 7.

Article 149

Anyone who conceals, destroys or unlawfully opens other people's letters or seriously infringes upon a citizen's freedom and right of correspondence will be sentenced to detention or imprisonment for not more than 1 year.

Chapter V

Encroachment on Property

Article 150

Anyone who robs public or private property by force, threats or other means will be sentenced to imprisonment for not less than 3 years and no more than 10.

In grave cases or if someone is seriously injured or killed, anyone who commits the aforesaid offence may be sentenced to imprisonment for not less than 10 years, life imprisonment or death. At the same time, his property may be confiscated.

Article 151

Anyone who takes away a relatively large amount of public or private property by stealing, swindling or plundering will be sentenced to imprisonment for not more than 5 years, detention or surveillance.

Article 152

A habitual thief or swindler or anyone who takes away a huge amount of public or private property by stealing, swindling or plundering will be sentenced to imprisonment for not less than 5 years and no more than 10. In extremely grave cases, the offender will be sentenced to imprisonment for not less than 10 years or life imprisonment and may at the same time have his property confiscated.

Article 153

Anyone who is guilty of larceny, swindling or plundering and who resorts to violence or threatens to use violence on the very spot to hide the booty, resist arrest or destroy evidence will be charged with robbery and punished according to Article 150 in the present law.

Article 154

Anyone who extorts public or private property will be sentenced to imprisonment for not more than 3 years or to detention. In grave cases, the offender will be sentenced to imprisonment for not less than 3 and no more than 7 years.

Article 155

A state functionary who takes advantage of his position and power to embezzle public property will be sentenced to detention or imprisonment for not more than 5 years. In grave cases where the amount involved is huge, the offender will be sentenced to imprisonment for not less than 5 years. In extremely grave cases, the offender will be sentenced to life imprisonment or death.

Anyone who is guilty of the aforesaid offense will concurrently have his property confiscated or be ordered to return what he has unlawfully taken or pay compensation for it.

Personnel entrusted by state organs, enterprises, business units or mass organizations to perform public duties who commit the first category of offense mentioned above will be punished according to the first two categories.

Article 156

In serious cases, anyone who intentionally destroys public or private property will be sentenced to detention or imprisonment for not more than 3 years, or subjected to fines.

Chapter VI:

Acts Against Public Order

Article 157

Anyone who obstructs a state functionary from performing his duties according to law by means of force or threats or refuses to carry out court decisions or rulings which have already become legally effective will be sentenced to detention or imprisonment for not more than 3 years or subjected to fines or deprivation of political rights.

Article 158

No one is allowed to disrupt public order by any means whatsoever. If public order is seriously disrupted to the extent that there is no way to carry out work, production, business, teaching and research and the state and society sustain losses, the major culprits will be sentenced to imprisonment for not more than 5 years, detention or surveillance or subjected to deprivation of political rights.

Article 159

In serious cases, the major culprits responsible for assembling a crowd to disturb order in public places such as stations, wharfs, civil airports, stores, parks, cinemas, exhibition halls and sports grounds, assembling a crowd to block traffic or disrupt traffic order or putting up resistance or obstructing public security personnel from performing their duties will be sentenced to imprisonment for not more than 5 years, detention or surveillance or subjected to deprivation of political rights.

Article 160

In vile cases, anyone who incites group fighting, creates disturbances, subjects women to indignities or carries out other gangster activities to disrupt public order will be sentenced to imprisonment for not more than 7 years, detention or surveillance.

The ringleader of a criminal gang will be sentenced to imprisonment for not less than 7 years.

Article 161

An escaped criminal who has been arrested or put into prison will not only be given punishment for his first crime or made to serve the balance of the original sentence but will be sentenced to detention or imprisonment for not more than 5 years.

Anyone who commits the aforesaid offense by force or threats will be sentenced to imprisonment for not less than 2 years and no more than 7.

Article 162

Anyone who gives shelter to or gives false testimony to harbor counterrevolutionaries will be sentenced to imprisonment for not more than 3 years, detention or surveillance. In grave cases, the offender will be sentenced to imprisonment for not less than 3 years and no more than 10.

Anyone who gives shelter to or gives false testimony to harbor other criminals will be sentenced to imprisonment for not more than 2 years, detention or surveillance. In grave cases, the offender will be sentenced to imprisonment for not less than 2 years and no more than 7.

People who plot together before committing either one of the aforesaid offenses will be charged as joint offenders.

Article 163

Anyone who secretly keeps firearms and refuses to hand them over in violation of firearms control regulations will be sentenced to detention or imprisonment for not more than 2 years.

Article 164

Anyone who manufactures or sells bad drugs that harm the people's health for the purpose of seeking profits will be sentenced to imprisonment for not more than 2 years, detention or surveillance; a fine may be imposed concurrently or exclusively. If there are serious consequences, the offender will be sentenced to imprisonment for not less than 2 years and no more than 7; a fine may be imposed concurrently.

Article 165

Those who practice witchcraft for the purpose of spreading rumors or swindling people out of money and property will be sentenced to imprisonment for not more than 2 years, detention or surveillance. In grave cases, the offender will be sentenced to imprisonment for not less than 2 years and no more than 7.

Article 166

Anyone who passes himself off as a state functionary to bluff and deceive will be sentenced to imprisonment for not more than 3 years, detention or surveillance or subjected to deprivation of political rights. In grave cases, the offender will be sentenced to imprisonment for not less than 3 years and no more than 10.

Article 167

Anyone who forges, alters, steals, plunders or destroys the documents, credentials or seals of state organs, enterprises, business units or mass organizations will be sentenced to imprisonment for not more than 3 years, detention or surveillance or subjected to deprivation of political rights. In grave cases, the offender will be sentenced to imprisonment for not less than 3 years and no more than 10.

Article 168

Anyone who organizes group gambling or takes gambling as a profession for the purpose of seeking profits will be sentenced to imprisonment for not more than 3 years, detention or surveillance; a fine may be imposed concurrently.

Article 169

Anyone who lures or houses a female and makes her engage in prostitution for the purpose of seeking profits will be sentenced to imprisonment for not more than 5 years, detention or surveillance. In grave cases, the offender will be sentenced to imprisonment for not less than 5 years; a fine may be imposed or property confiscated concurrently.

Article 170

Anyone who manufactures or sells obscene books or pictures for the purpose of seeking profits will be sentenced to imprisonment for not more than 3 years, detention or surveillance; a fine may be imposed concurrently.

Article 171

Anyone who manufactures, sells or ships opium, heroin, morphine or other narcotic drugs will be sentenced to detention or imprisonment for not more than 5 years; a fine may be imposed concurrently.

Anyone who manufactures, sells or ships the aforesaid narcotic drugs persistently or in bulk will be sentenced to imprisonment for not less than 5 years; a fine may be imposed concurrently or exclusively.

Article 172

Anyone who hides or sells stolen goods on somebody's behalf with the knowledge that they are obtained by criminal means will be sentenced to imprisonment for not more than 3 years, detention or surveillance; a fine may be imposed concurrently or exclusively.

Article 173

Anyone who steals or exports valuable cultural relics in violation of relics protection regulations will be sentenced to imprisonment for not less than 3 years and no more than 10; a fine may be imposed concurrently. In grave cases, the offender may be sentenced to life imprisonment or imprisonment for not less than 10 years; his property may be confiscated concurrently.

Article 174

Anyone who intentionally damages valuable cultural relics or places of historic interest and scenic beauty protected by the state will be sentenced to detention or imprisonment for not more than 7 years.

Article 175

Anyone who intentionally destroys boundary tablets, boundary markers or permanent survey marks along the state boundary will be sentenced to detention or imprisonment for not more than 3 years.

Anyone who does the above for the purpose of treason will be charged as a counterrevolutionary.

Article 176

In grave cases, anyone who illegally crosses the national boundary (frontier) in violation of border control regulations will be sentenced to imprisonment for not more than 1 year, detention or surveillance.

Article 177

Anyone who illegally organizes or ships another person across the national boundary (frontier) for the purpose of seeking profits will be sentenced to imprisonment for not more than 5 years, detention or surveillance; a fine may be imposed concurrently.

Article 178

Anyone who causes the spread of epidemic diseases under quarantine or is in serious danger of causing the spread of epidemic diseases under quarantine in violation of state boundary sanitation and antiepidemic regulations will be sentenced to detention or imprisonment for not more than 3 years; a fine may be imposed concurrently or exclusively.

Chapter VII

Acts Against Marriage and the Family

Article 179

Anyone who interferes with another person's freedom of marriage by force will be sentenced to detention or imprisonment for not more than 2 years.

Anyone who commits the aforesaid offense and causes death to the victim will be sentenced to imprisonment for not less than 2 years and no more than 7.

The first category of the aforesaid offense will not be dealt with if a lawsuit has not been filed.

Article 180

Anyone who commits bigamy or knowingly marries another person who has a spouse will be sentenced to detention or imprisonment for not more than 2 years.

Article 181

Anyone who cohabitates with or knowingly marries the spouse of a serviceman will be sentenced to imprisonment for not more than 3 years.

Article 182

In grave cases, anyone who maltreats another member of his family will be sentenced to imprisonment for not more than 2 years, detention or surveillance.

Anyone who commits the aforesaid offense and causes severe injury or death to the victim will be sentenced to imprisonment for not less than 2 years and no more than 7.

The first category of the aforesaid offense will not be dealt with if a lawsuit has not been filed.

Article 183

In vile cases, anyone who is duty bound to provide for the old, the young, the sick or other persons who do not have the ability to live independently and yet refuses to discharge his duty will be sentenced to imprisonment for not more than 5 years, detention or surveillance.

Article 184

Anyone who abducts male or female minors under the age of 14 and takes them away from their family or guardian will be sentenced to detention or imprisonment for not more than 5 years.

Chapter VIII

Malfeasance

Article 185

Any state functionary who exploits his office and takes bribes will be sentenced to detention or imprisonment for not more than 5 years. Money or goods received in bribes will be confiscated and steps taken to recover public funds or property that have been illegally taken away.

Anyone who commits the aforesaid offense and inflicts serious losses upon the state or the people will be sentenced to imprisonment for not less than 5 years.

Anyone who offers a bribe to a state functionary or acts as a go-between in bribery cases will be sentenced to detention or imprisonment for not more than 3 years.

Article 186

In grave cases, any state functionary who divulges important state secrets in violation of state security regulations will be sentenced to detention or imprisonment for not more than 7 years or subjected to deprivation of political rights.

If the offender is not a state functionary, he will be punished according to the seriousness of the case in line with the above clause.

Article 187

Any state functionary who inflicts heavy losses upon public property, the state or the people due to dereliction of duty will be sentenced to detention or imprisonment for not more than 5 years.

Article 188

Any judicial worker who practices favoritism and irregularities, knowingly prosecutes an innocent person, deliberately shields a guilty person and saves him from prosecution or deliberately stands truth on its head and perverts the law will be sentenced to detention or imprisonment for not more than 5 years or subjected to deprivation of political rights. In extremely grave cases, the offender will be sentenced to imprisonment for not less than 5 years.

Article 189

In grave cases, any judicial worker who maltreats or gives corporal punishment to a person under surveillance in violation of surveillance regulations will be sentenced to detention or imprisonment for not more than 3 years. In extremely grave cases, the offender will be sentenced to imprisonment for not less than 3 years and no more than 10.

Article 190

Any judicial worker who releases a convict without permission will be sentenced to detention or imprisonment for not more than 5 years. In grave cases, the offender will be sentenced to imprisonment for not less than 5 years and no more than 10.

Article 191

Any postal or telecommunications worker who opens, hides or destroys letters or telegrams without permission will be sentenced to detention or imprisonment for not more than 2 years.

Anyone who commits the aforesaid offense for the purpose of stealing will be charged with embezzlement and severely punished in accordance with Article 155.

Article 192

In minor cases, any state functionary who commits an offense listed in this chapter will be given disciplinary sanction by responsible departments as they see fit.

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